

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 31/10/2022	Ref: 67787/FUL
Registration: 08/02/2022	LDFC: 03/03/2022	Expiry Date: 05/04/2022
Site Visit: 25/03/2022	Site Notice: 10/02/2022	Press Date: 17/02/2022
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Conversion of existing stable block to form 1 no. dwelling with associated garage and stable block

Location: Land adjacent to 9 Taylors Lane, Radcliffe, Bolton, BL2 6QS

Description

The site is located within the Green Belt and Special Landscape Area and contains a single linear building which is sited adjacent to the western boundary and which was last used for agricultural/equestrian/storage purposes.

There is an existing access off Taylors Lane and area for parking within the site close to the entrance. There is also a field and paddock which forms part of the application area and is within the red edge.

To the west are a row of cottages, nos 5-9 Taylors Lane, with Taylors Farm and Keystone Cottage beyond, and to the east are four houses which are located off Ainsworth Hall Road. The site is bounded by Taylors Lane to the north with open fields beyond and there are open fields to the southern boundary of the site.

The site is accessed directly off Taylors Lane which is an unadopted and unmade track which carries a PRoW (footpath 46).

The existing building on site measures some 57m by 12m and is a low single storey build with a pitched roof. At the highest point the roof is approx 3.6m with eaves height of 1.47m.

The build has a timber roof structure with covered with corrugated sheeting and blockwork and timber boarded elevations with a full height roller shutter door to the front (north) elevation and an opening with a cut back in the roof located approx mid point along the east elevation for access purposes.

The application seeks the conversion of the building to form 1 no. dwelling with associated garage and 6 stables with parking and associated paddock and field.

The existing building would be divided into two halves, the southern part to be converted to a single dwelling and the northern part to incorporate a garage associated with the dwelling plus 6 commercial stables.

The existing entrance to the building which is centrally located in the eastern elevation would serve both elements of the development. A door opening to the left of this central access point would lead to the dwelling and a long corridor, off which would be living spaces, bathrooms and 4 bedrooms.

A garden and patio area extending 11m would be located to the south of the building which would be accessed via a set of new bi-fold doors in the southern elevation.

It is also proposed to provide a garage to serve the dwelling which would be located in the

northern part of the building next to the existing access. The vehicular access to this garage area would be via a newly formed driveway.

The remainder of the northern section of build would accommodate 6 stables, tack and feed room and used for commercial purposes, with a turning area and 5 parking spaces provided to the east of the building. The existing paddock and field would remain.

The external elevations would require some upgrading and the building would be finished in a dark grey cladding. New rooflights would be inserted in the southern part of the building, new bi-fold doors inserted in the southern elevation with the roller shutter entrance retained on the northern elevation directly to the stables.

The site would continue to use the existing access off Taylors Lane.

Relevant Planning History

02599/E - Part demolition and part conversion of existing stable block to dwelling and erection of new stables - Enquiry completed 23/07/2021

55988 - Demolition of existing buildings and regrading of land; Erection of 1 no. detached dwelling; Erection of stables with tack room, store, kennels and wash room; Formation of manege - Withdrawn by Applicant 24/04/2013

56560 - Demolition of existing buildings and regrading of land; Erection of 1 no. detached dwelling; Erection of stables, with tack room, store, kennels and wash room; Formation of manege (resubmission) - Refused 7/7/14 Dismissed on appeal 9/4/15

17/0270 - Running boarding kennels and car sales business - 22/06/2017

Publicity

One response received with observations as follows -

- The current plan submitted and use of the building as it stands, appear to be incorrect. The area shown as the 'current stables' at the Taylors Lane elevation, (north side) has not been used as stabling since the building was purchased. It was used as a general storage area for building materials and other equipment.
- At that time it was an agricultural building, although there had been a change of use by a previous owner for stabling.
- Currently the North end of the building is being utilised for the renovation of motor vehicles.
- At the 'South end' of the building (proposed new dwelling) the current plan is correct. Horses are stabled, occasionally sheep are accommodated and a full time guard dog. There is a chicken coop outside and effectively it is a small holding.
- The positioning of so many roof lights will cause light pollution
- The proposed site of the 6 new stables, possibly housing the current agricultural and other animals at the 'North end' of the building is next to a property and garden with only a boundary hedge between.
- The current location for the animals has not always been conducive to quiet, peaceful living.
- Accept there would be some related disturbances.
However should the proposed change be implemented it does raise concerns
- The new proposed stables and wash room has a possibility of being used for 'commercial purposes' in the future.
- The proposed garage attached to the dwelling is presumably for some of the applicants vehicles together with the larger vehicles, horse boxes and trailers being parked in the area marked as 'parking'. Again it would lend itself to additional parking for a commercial business.
- Note there is no provision for a midden to service the proposed stables, forgive me if I have overlooked it. The current arrangement is not ideal as there is often leakage onto the lane especially especially in the inclement weather.
- Taylors Lane is a parish footpath, the residents and others have access to their associated properties. It is not repairable at public expense. It is currently in a very poor

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state, due to weather erosion and increased traffic, largely, delivery vehicles servicing the dwellings, and small holdings.

- It would be detrimental to the footpath/access road, should any further commercial business's or dwellings be introduced.

The application form incorrectly stated the location of the site as 'Land adjacent to 7 Taylors Lane'.

The location description has therefore been amended to Land adjacent to 9 Taylors Lane and neighbours re-notified by letter on 19/10/22 for a 7 day period.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No objection subject to conditions

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

United Utilities (Water and waste) - No response received.

Environment Agency - No response received.

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

- No objection subject to conditions and informatives.

Public Rights of Way Officer - No objection in principle.

GMEU - No objection subject to conditions.

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

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
OL1/2	New Buildings in the Green Belt
OL4/7	Development Involving Horses
OL1/4	Conversion and Re-use of Buildings in the Green Belt
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD10	Planning for Equestrian Development
NPPF	National Planning Policy Framework
EN7/2	Noise Pollution

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due

regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policies

In Chapter 13 - Protecting Green Belt Land, 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 considers that other forms of development are also not inappropriate provided they preserve its openness and do not conflict with the purposes of land within it. One of the exceptions includes bullet point d) for the re-use of buildings provided that the buildings are of permanent and substantial construction.

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

- it would not have a materially greater impact on openness;
- any extension or re-used buildings and associated uses of land do not conflict with openness;
- buildings are of substantial and permanent construction and capable of conversion without major or complete reconstruction;
- the form, bulk and general design are in keeping with the surroundings;
- suitable access and traffic can be accommodated;

- all necessary services can be provided;
- protected species would not be affected.

UDP Policy OL4/7 - Development Involving Horses - The keeping of horses for recreational purposes or as part of commercially based equestrian activities will be considered acceptable where it would not have an adverse effect on the appearance of rural areas.

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.

SP9 - Conversion of Buildings in the Green Belt offers more detailed advice in terms of acceptability including design, materials and form.

SPD10 - Planning for Equestrian development provides guidance on new development for equestrian purposes including the conversion of existing buildings.

UDP Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Background information.

A previous application had been submitted in 2013 for the demolition of the existing building and redevelopment of the site for the erection of a stables building and associated menage and 1 no. dwelling.

In considering a new stables building, this element was considered acceptable as it would provide a facility for outdoor recreation and comply with the principles of the NPPF.

The proposed dwelling was considered inappropriate development as the site was deemed to be in agricultural use and therefore did not fall within the exception of the NPPF for previously developed land. No very special circumstances were submitted which would outweigh the harm caused to the Green Belt.

The applicant had not provided evidence that the site had an equestrian or part equestrian use and a certificate of lawfulness was never submitted to establish the use of the land as anything other than agricultural use.

The application was refused and dismissed at appeal, as the proposed development would result in the material change of use from agricultural land to residential and a recreational facility and considered inappropriate and contrary to policy. No VSCs were submitted which would outweigh the harm caused to the openness of the Green Belt.

Unlike the above application, the current submission proposes conversion for use of part of the building to stabling and part of the building to 1 no. dwelling.

The existing plans submitted with the application annotate the northern part of the building as existing stables. Photographs of the inside of the building provided in the ecology survey and structural report indicate that stables had been (or still are) located in part of the building, although it is not clear in which part of the building they are located.

Given the proposals involve conversion of an existing building rather than the redevelopment of the site, the application will be assessed under para 150 d) of the NPPF for the re-use of buildings provided that the buildings are of permanent and substantial construction.

Principle - The proposed development would utilise an existing building which has been used for agricultural purposes, stables and storage.
The building is single storey, constructed of blockwork and timber panelling and with a timber roof structure with covered with corrugated sheeting.

A Structural Report has been submitted with the application which states that the building is a lightweight, agricultural stables building and is in fair structural condition. Some preliminary calculations indicate that the timber roof structure would need to be completely replaced or strengthened to support a new domestic light weight roof without slates or tiles.

The ground bearing slab/raft foundation is anticipated to be capable of supporting a single storey domestic conversion. There are no extensions proposed or increases to floor area or volume of the existing building.

In this respect, it is considered the principle of the conversion of the building for residential and equestrian purposes would be acceptable with regard to para 150 d) of the NPPF.

Issues of layout, design and appearance, impacts on residential amenity and access and parking are considered in more detail below.

Layout

The proposed development would not involve fundamental or significant changes to the existing site layout as there is an existing paddock and field, access and parking/turning area and there would be no extensions proposed to the existing building.

The main considerations would relate to how the site would operate as two separate uses - that for residential use and stables use.

The existing building would be sub-divided into two relatively equal sized areas.
The northern part would comprise 6 stables with a tack and feed room which would be accessed from the existing roller shutter door opening on the north elevation near the site entrance. Next to the stables would be the garage which would be served by a new opening formed in the eastern elevation. There would also be a door from the garage to the stables.

The stables would be for commercial use although it is also anticipated that the applicant would also house their own horse/s. Generally speaking, three to four stables plus tack and feed rooms are advised in SPD10. This application proposes 6 stables. However for a commercial use, this is not considered excessive since the existing build could already accommodate the number of stables proposed.

There is an existing paddock and field for horses to graze.
In terms of disposal of manure, a midden would be provided close to the stables and the applicant states that horse muck could be collected and spread on the adjacent fields which

is a common approach for stable developments.

The proposal would include parking for 6 cars and a turning area which is considered acceptable to serve the commercial element of the stable development.

Stable buildings are commonly found in semi rural and Green Belt locations and it is considered that given the development would utilise part of an existing building with modest works to facilitate the development, together with the use of the existing paddock and field for the grazing of horses, it is considered the proposed development would not have a detrimental impact on the openness or character of the Green Belt and would comply with the principles of para 150 of the NPPF, Policy OL4/7 and SPD9 and 10.

The southern portion of the building would comprise the dwelling. This would be accessed via the existing central opening on the eastern elevation next to the garage.

Accommodation would consist of 4 bedrooms, living areas and bathrooms formed off a central corridor. From the south elevation a new patio door opening would lead out to the private amenity space which would extend approx 11.4m to the boundary which would provide adequate garden area for the development.

The build is single storey with a pitched roof and relatively low eaves levels, at a height of 1.47m at the lowest point. and therefore parts of each room would have an area of restricted headroom. On request, the applicant has provided a section plan which demonstrates that although some spaces within the rooms would have limited access, acceptable headroom and living spaces could be achieved.

The integral garage would provide parking and there would also be an area to the east of the dwelling which could facilitate parking. As such this is considered acceptable.

The new driveway and access to the garage would require some levelling works and the cut out of some land but this would not result in significant engineering operations and as such considered acceptable.

Due to the sensitivities of the site and its location in the Green Belt it is considered reasonable to remove PD rights for any extensions or works to the roof to be carried out.

It is therefore considered that the proposed conversion and scale of development for part of the building for residential purposes would comply with the principles of para 150 of the NPPF. It is considered the proposed site layout would utilise existing land without significant harm to the openness and character of the Green Belt.

Given the above and in terms of facilitating both uses within the building, it is considered this would be achievable and would comply with para 150 of the NPPF and UDP policies.

Design and appearance

It is proposed to retain the original structure of the building which would be overclad with a dark zinc panelling material. This is the approach which has been taken to other similar type of conversions in the Green Belt as it is considered that the dark material would be less perceptible. From views outside the site and further away, the building would have a barn type appearance.

It is therefore considered the proposed treatment to the externality of the building would be acceptable and comply with Policies OL1/4 and EN2/1.

The existing roller shutter door to the north elevation would be retained. The only insertions would be roof lights across both sides of the roof planes to the dwelling part of the building. The lights would be set close to the eaves level and within a shallow roof slope and as such considered not to be overly prominent. Rooflights are also commonly found on barn type/agricultural buildings and as such it is considered the appearance would reflect other such similar types of structures in the Green Belt.

It is therefore considered the alterations to facilitate the proposed development would not be substantial and would be appropriate for the proposed uses with the Green Belt setting.

It is considered the proposed development would therefore be acceptable and comply with OL1/4, H2/1 and OL4/7.

Impact on residential amenity - The nearest properties are those directly to the west of the site on Taylors Lane, No 9 being the property directly adjacent to the site boundary.

SPD 10 advises that stables should be located where there will not be an impact on residential amenity and should incorporate a 30m buffer where considered necessary.

The stables would be located in the northern part of the building adjacent to the house at No 9 Taylors Lane. There would be a distance of 10m from the side elevation of No 9 to the proposed stable building. A comment has been received that only the southern area of the building had been used for stabling, the northern part having been used for the renovation of motorised vehicles and previously agriculture.

Photographs of the internal arrangements have been included in the bat survey which show part of the building are already stables and the report also refers to the building as '*compartmentalised providing individual stables and storage*' although it is not clear which part of the building had stable use.

It can however, be surmised that there had been some use of the building for stabling of horses at some point in time.

In terms of impacts on the neighbour, there would be some activity and noise from the comings and goings of users of the stables as well as from the horses themselves. However, when not being taken out for rides or using the paddock, the horses would be within the building and apart from a single opening on the north elevation, the stables would be fully contained. A condition that the stables build be soundproofed to Building Regulation Standards would be included.

There is also a high hedge and dense planting along the boundary which largely screens the site from views. Details of any works to the boundaries of the site would be required to be submitted for approval by condition.

Incidentally, as a former agricultural use, apart from storage of materials, machinery and agricultural related produces, the building could have housed animals which would have similarly generated a certain amount of noise.

It is therefore considered that on balance, with suitably worded conditions, the proposed development would not have a significantly detrimental impact on the residential amenity of the neighbouring property and as such would be acceptable.

In terms of the residential use, as a single dwelling, the development would be relatively small scale. Window openings would be in the form of rooflights which would be set within a shallow roof and given the building is single storey and with the intervening boundary treatment it is considered there would not be significant issues of overlooking to the neighbouring property.

To the south east are dwellings on Ainsworth Hall Road whose boundaries abut the existing field. These houses would be 40m away from the proposed stables and dwelling building, partially screened by landscaping along the south eastern boundary and considered a significant distance away not to be affected by the use of the building for these two purposes. The field could already be used in association with either agriculture or the grazing of horses and as such impacts would be no worse.

It is therefore considered that the proposed development would not have a significantly harmful impact on residential amenity and would comply with H2/1, H2/2, OL1/4 and OL4/7.

Impact on occupiers of the new dwelling

As stated above, SPD 10 also advises that stables should be located where there will not be an impact on residential amenity and should incorporate a 30m buffer where considered necessary. The stables would be housed in the same building as the proposed dwelling and as such would normally be considered inappropriate. In this instance, as the application includes both elements of stables and dwelling and as a holistic approach to development, it would be matter of 'buyer' or 'occupier' beware.

The two elements would also have to meet Building Regulations standards to be acceptable.

It is therefore considered the proposed development would be acceptable and would comply with H2/1, H2/2, OL1/4 and OL4/7.

Highways

The site would be accessed via Bury New Road along Ainsworth Hall Road and Taylors Lane which are Public Rights of Way (PRoW) and single wide lane routes and in parts are in a poor state.

As a commercial use, the stables would generate some additional traffic movement along the lane. However, stables can tend to be used at varying times of the day by those keeping horses and it would be unlikely that 6 people at one time would visit the site. That said, there are areas where two cars could pass and also areas along the route where a car could pull in to one side.

The applicant has also confirmed their rights to use the lane as an access from either direction.

As the lane is unmade and in a poor state in parts, there could be further damage to the route by construction vehicles and as such a condition would be attached for the submission of a dilapidation survey before and following completion of the development to establish if any remedial works or repairs would be required which would be the responsibility of the applicant to carry out.

There would be a turning area within the site for vehicles and horse boxes to manoeuvre, as well as 6 parking spaces for the users of the stables which is considered sufficient for scale of development proposed.

In terms of parking and access for the proposed dwelling, as a single unit it is considered there would not be a significant addition to traffic already using the lane. An integral garage and area to the side of the proposed dwelling could facilitate appropriate levels of parking on site.

The Traffic Section have raised no objection subject to conditions and the proposed development is considered to be acceptable and would comply with policies H2/2, EN1/2, HT2/4 and HT6/2.

Fire

The Fire Service have been consulted and responded that the proposed development would appear not to meet required fire service access.

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. The maximum length of any cul-de-sac network should be 250 m.

There should be a suitable fire hydrant within 165m of the furthest dwelling.

GMFRS makes the following recommendations if approval is granted due to the access road being in excess of 250m:

1. The property is fitted with residential sprinklers, installed to BS9251 standard (or an equivalent) or misting system installed to BS8458:2015 standard (or equivalent). This is highly recommended to ensure the fire is controlled for a period of time, or extinguished.
2. The property is fitted with a comprehensive fire detection and alarm system.
3. The occupant provides confirmation to Bury Planning Department and GMFRS that they acknowledge the location of the proposed property could significantly impact on GMFRS attendance in an emergency. (This may need to be divulged when agreeing insurance for the property)
4. The risks identified are disclosed to any new buyer of the property to ensure they are also aware of the access deficiencies.

These measures would provide early warning for occupants in the event of fire and provide increased fire protection to reduce the risk to life and to allow occupants to evacuate safely, whilst also allowing extra time for GMFRS appliances to access the site.

Given the above, and in light of the fire service response, it is considered in this case reasonable and practical to support the proposed development with a condition that sprinklers be incorporated prior to first occupation.

An informative would also be included that the applicant is made aware of the fire safety risks involved with accessing this particular location.

Air quality - The site is not situated within Bury's Air Quality Management Area. Due to the scale of the development, it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore in line with the EPUK Guidance, an air quality assessment is not required.

However, in line with the principles of Good Practice set out in the EPUK Guidance, consideration should be given to mitigating the impact of poor air quality on future residents who would reside within an AQMA.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. Due to this requirement, this Section recommends a condition to be placed on are placed on any grant of permission for the provision of an EV chargepoint

Ecology

Summary

GMEU have been consulted on the application and identify that there are unlikely to be any significant ecological issues associated with this development.

Bats

The building was subject to daytime survey for bats by a suitable consultant. No evidence of bats was found and the building assessed as having negligible bat roosting potential. The photographs support the assessment and google imagery shows that the roof has been gradually replaced over the last few years. GMEU therefore have no reason to doubt the findings of the report. As individual bats can on occasion turn up in unexpected locations, GMEU recommend 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.

Other Protected Species

There is no suitable habitat on site and no desktop evidence that any other protected species are present nearby. No further information or measures are required.

Nesting Birds

A swallows nest was located in one of the stables. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition along the following lines be applied to any permission.

No building works shall 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 LPA.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. There is limited vegetated habitat within the development footprint. Species impacts are limited to loss of swallow nesting habitat. GMEU is satisfied that mitigation is possible on-site given the retention of some of the stables ie swallow nest cups could be erected. The details can be conditioned.

Additional consideration to the principle of the proposed development

Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended allows for the change of use of Agricultural Buildings to Dwellinghouses. It is stated that development is permitted if it consists of -

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.(up to 3 dwellings)

subject to Development Permitted Rights and Conditions under Class Qa and Qb.

A proposal is then assessed against the 6 specified matters under Q.2 - (1), (a) to (f) to determine whether or not the development is permitted;

(a) transport and highways impacts of the development,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

(f) the design or external appearance of the building.

As assessed in the report above, it can therefore be reasonably concluded that there would not be traffic, noise, design or location problems associated with the proposed development. The site is not in a flood zone and conditions for submission of a preliminary risk assessment and remediation strategy would be included.

The Regulations in Q(b) also acknowledge that some building works reasonably necessary for the building to function as a dwelling are also allowed. These include such works as installation of replacement of windows, doors, exterior walls, water, electricity etc. The construction of new elements for the building would not be allowed.

A Structural Survey submitted has assessed the building as capable of conversion to residential use.

In this case, it is considered the amount of operational development required to convert the building to a habitable use would be considered to be what is reasonably necessary and as such it would comply with the requirements of Q(b) and would not be contrary to the practice guidance laid out in paragraph 105 of the NPPG.

As such the proposed operational development would be permitted development.

It would therefore be reasonable that the applicant could secure a Prior Approval for the conversion of an agricultural building to a dwelling.

Response to representation

- The above report has established that the proposed development for conversion of the building for equestrian and residential purposes would be appropriate development under para 150 d) of the NPPF.
- Future use of the building for commercial purposes would require planning permission
- The building has a shallow pitched roof and as such the rooflights would be positioned so that light would be reflected in a vertical direction as opposed to directly facing a neighbouring boundary.
- GMEU have raised no objection to the proposal with regards to light pollution.
- Impacts on residential amenity 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 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 - Red edge site plan received 12/11/21; Existing site plan EX K1003/01; Proposed site plan PL K1003/01 rev H; Existing floor plan EX K1003/02; Proposed floor plan PL K1003/02 rev G; Existing elevations EX K1003/03; Proposed elevations and Section E-E PL K1003/03 rev A; Proposed Section E-E PL K1003/06 rev A; Existing and proposed cross section B-B PL K1003/04; Structural Report by ING job no. 21268 dated 23/5/22; Inspection and Assessment in Relation to Bats and Breeding Birds Report by Tyrer Ecological Consultants January 2022 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 No development shall commence unless and until:-
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be 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.
- 5 Prior to occupation the applicant shall provide 1 electric vehicle (EV) chargepoint (minimum 7kW*)
- *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 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).
- 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 No building works shall 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 A landscaping scheme and details of works to any boundaries and boundary treatments including trees, landscaping and fencing/walls, of the site 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 bat and bird boxes and Swallow nest cups. 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.

- 8 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.

- 9 No development shall commence unless and until the following details have been submitted to and approved in writing by the Local planning Authority:

- Access route to the site from the adopted highway and detailed photographic survey of the route (Public Footpath No.'s 15 and/or 46, Christ Church, Radcliffe).
- The survey shall include details of any preliminary works that would be required to maintain the structural integrity of the track during the construction phase of development. Such preliminary works shall be carried out prior to development commencing and maintained thereafter during construction.
- Within one month of the completion of the development, a further survey shall be undertaken to determine if any damage has occurred due to construction traffic.
- The findings of the survey and details of any remedial works, required to ensure that the access route is not deleterious than prior to commencement of construction works, shall be submitted to the Local Planning Authority. The survey shall include a timetable for implementation of any approved remedial works.
- The remedial works shall be implemented to the approved timetable and the access route shall be available for public use.

Reason. In order to ensure that the existing site access route/Public Rights of Way(s) is/are not damaged and in the interests of public safety pursuant to the NPPF and UDP Policies HT6/2 Vehicular and Pedestrian Conflict/RT3/4 Recreational Routes.

- 10 Prior to first occupation of the development hereby approved, a residential sprinklers to BS9251 standard or misting system to BS8458:2015 standard (or an equivalent/subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies), 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 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

- 11 The car parking, including works to create and form the access to the proposed garage, indicated on approved plan reference PL K1003/01 Revision H shall be surfaced as appropriate and made available for use prior to first occupation of the dwelling hereby approved and thereafter maintained available for use at all times.

Reason. To ensure adequate off street car parking provision in the interests of road

DELEGATED REPORT

safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 12 Bin storage facilities in accordance with Waste Management & Transport's 'Guide To Refuse Collection Requirements & Storage Methods For New Developments' shall be provided within the curtilage of the site and implemented to the satisfaction of the Local Planning Authority prior to first occupation of the dwelling hereby approved and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design
- 13 Details/Samples of the materials 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 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.
- 14 A scheme to soundproof the walls and roof of the stables building hereby approved shall be implemented in accordance with standards of construction specified in current Building Regulations, and shall be completed before the development is brought into use.
Reason. To protect the residential amenities of the adjacent properties pursuant to UDP Policy EN7/2 Noise Pollution.
- 15 The internal garage hereby approved shall be used for domestic purposes only in association with the approved dwelling and for no other purposes.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.
- 16 The parking area and driveway on the approved plans shall be used in conjunction for users of the stables only and occupiers of the dwelling hereby approved and for no other purposes.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies 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	31/10/22		