

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/04/2022	Ref: 68002/FUL
Registration: 08/02/2022	LDFC: 11/03/2022	Expiry Date: 05/04/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Conversion of existing building to 1 no. dwelling including dormer on the rear

Location: Titus Barn, Bradley Fold Road, Radcliffe, Bolton, BL2 5QR

Description

The site relates to a barn/agricultural building which was formally associated with the adjacent dwellinghouse, No 55 Bradley Fold Road to the north.

The site is located in a rural area within the Green Belt and an Area of Special Landscape, with the surrounding area characterised by open land and fields. The nearest neighbouring property is Titus Cottage which is located to the south of the development site and there are other farm type development and houses scattered around the area.

The barn/agricultural building was granted planning permission in 2019 for conversion to a separate single dwelling to be set within its own curtilage.

This application is a resubmission of the previously approved scheme to convert the barn to a single dwelling, but now also proposes to include a dormer in the rear roofspace and specifies external materials for the elevations and roof to be a dark grey/black cladding. The internal accommodation would also be re-configured comparative to the previous approval. The development would otherwise remain unchanged in terms of the site layout, access, parking and amenity space.

Internally, the ground floor would provide living accommodation with 3 bedrooms at first floor level. The single storey element at the front of the building would comprise a utility room with a secondary entrance door re-positioned. The main entrance would be formed on the west elevation with narrow horizontal windows inserted centrally within this elevation. The main aspects would be on the eastern side where it is proposed to form 2 large and one smaller opening. A full length narrow window would be inserted on the north elevation with a small 1st floor window on the south.

The dormer would span 11.7m across the rear roof plane with an equi-distant gap either side of 0.9m to the ends of the rear elevation. It would be set lower than the ridge by 0.3m and above eaves level by 0.4m. The dormer would have a flat roof and finished in black cladding, the same as the finishes to the roof and elevations.

The applicant states that the additional volume created by the dormer extension would equate to 4.25% over and above the original building.

The area of hardstanding to the north of the building would be utilised for parking and turning area with a garden beyond this which would be separated from No 55 by a 1.8m high timber fence. A garden area proposed to the west side and rear of the building would provide a more secluded and private outdoor space.

The building is located directly adjacent to the boundary with the field to the east but there

would be no encroachment of land into the Green Belt beyond the existing defined curtilage.

Relevant Planning History

46091 - Detached double garage - Approve with Conditions 24/05/2006

48778 - First floor extension at rear - Approve with Conditions 03/12/2007

63964 - Prior approval for a proposed change of use of agricultural building to a dwellinghouse - refused 14/5/2019.

64326 - Conversion of existing building to 1 no. dwelling - Approved 15/10/2019.

Publicity

Letters sent to 10 adjacent properties on 17/2/22

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection subject to conditions

Waste Management - No response received.

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

Greater Manchester Ecology Unit - No objections subject to conditions.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)
- No response received.

Minerals and Waste Planning Unit (Urban Vision Partnership Ltd) - No response received.

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN9/1	Special Landscape Areas
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
OL1	Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD 9	Conversion and Re-use of Buildings in the Green Belt
EN5/1	New Development and Flood Risk

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.

Principle of conversion in the Green Belt

Paragraph 149 regards the construction of new buildings as inappropriate development. one of the exceptions to this is c) the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original.

Paragraph 150 of the NPPF states that other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it, one of which is d), the re-use of buildings provided that building is of permanent and substantial construction.

UDP Policy OL1/4 - Conversion and Re-use of Buildings in the Green Belt - acceptable in principle, providing that:

- it does not have materially greater impact than the present use on the openness of the Green Belt;
- extensions and associated uses of land do not conflict with the openness of the Green belt and the purposes of including land in it;
- the buildings are of substantial and permanent construction, capable of conversion without major or complete reconstruction;
- the form, bulk and general design of the buildings are in keeping with the surroundings;
- suitable access and likely traffic generation can be accommodated without creating a traffic hazard;
- all necessary services can be provided without extensive works;

- it can be established there are no protected species, or mitigation measures are possible.

The principle of conversion of the barn has previously been established under planning reference 64326. There have been no changes in policy or circumstance since this approval and as such the proposed conversion would comply with para 150 and the principles of the NPPF.

This application also proposes to incorporate a dormer in the roofspace. Para 149 of the NPPF regards new build in the Green Belt as inappropriate development. One of the exceptions to this is c) for the extension of alteration providing it would not result in a disproportionate addition over and above the size of the original building.

Dormer additions in barns are not particularly characteristic of this type of build, and thereon, development involving the conversion of barns would tend not to incorporate such a feature/s.

The usable head height to the first floor of the previously approved scheme was extremely limited. The applicant has severe physical disabilities and states the additional roof height created by the dormer is crucial to facilitate accessibility and useable living spaces.

The dormer proposed in this application seeks to add an additional 4.25% volume over and above the existing building and as such considered to be a relatively minor addition. The dormer would be located on the rear elevation of the build, would not project beyond the existing ridge height and would be set in from the side elevations. It is proposed to clad the whole build and roof in a dark grey/black panelling and the dormer would be finished in the same material and therefore appear as a less obvious addition.

Given the scale, size, position and materials, and in order to facilitate living space for an applicant with special requirements, the proposed addition is considered to be acceptable in this particular case, would not significantly harm the openness of the Green Belt and would therefore comply with the principles of the NPPF.

Layout - The proposed site layout would be the same as for the previously approved scheme, with the site separated from No 55 by a 1.8m high timber fence. The existing access to the site would be retained and the existing hardstanding area adjacent to the barn would provide parking.

A garden area would be provided to the north of the site and more private spaces to the south and west of the barn building enclosed by a timber boarded fence to the neighbour at Titus Cottage. On the eastern side of the site is a field and open land which is in the ownership of the applicant. It is not proposed to extend the domestic curtilage beyond the eastern elevation of the building and as such there would be no encroachment into the Green Belt.

Internally, living accommodation would be provided at ground floor, with 3 no bedrooms located at first floor.

It is therefore considered that the proposed layout would facilitate acceptable living standards for the scale and type of development proposed which not causing any additional harm to the openness or character of the Green Belt.

The proposed development would therefore comply with UDP Policies OL1/4, H2/1, H2/2 and the principles of the NPPF.

Design and appearance - The existing barn is a 2 storey solid steel frame construction with block wall elevations part overclad with timber and corrugated metal sheeting which also forms the pitched roof. The only opening is a large roller shutter door on the north elevation on which a small single storey pitched roof blockwork extension has been added.

It is proposed to retain the original structure of the building, the main changes comprise changes to the elevations to insert window openings and incorporate the dormer.

As discussed above, dormer extensions to barns are not particularly common features. In this case, the dormer would be located on the rear roofplane, set below the ridge by 0.3m, above the eaves by 0.4m and set in from the sides by an equi-distance of 0.9m and as such considered not to be an dominant or prevalent addition to the original barn. The applicant has also confirmed that the elevations and roof of the barn would be clad in a dark grey/black panelling, which would give the barn a less perceptible or noticeable appearance. This finish would also be applied to the roof dormer and such, it is considered this element of the build would also be less apparent, especially given the position of the dormer on the barn and in terms of public views.

On the western side of the building, two narrow horizontal window openings would be inserted centrally within the elevation with an opening formed to provide the entrance to the building. These interventions would be relatively minor and not disrupt the fabric of the building to any great extent.

On the east elevation facing the open land, it is proposed to insert 2 large windows to serve a kitchen and living area with a smaller window to the dining room. These windows would be principle habitable room windows on an elevation which would directly overlook open land which is not within the application site. This arrangement would not normally be acceptable as it could stymie any future development proposals. However, in this case, the field to the east of the site is within the ownership of the applicant and therefore would affect only them.

The applicant has been made aware of this and an informative would be added for clarification.

It is therefore considered that extensive external alterations would not be required to convert the barn for habitable residential purposes and together with the use of a dark clad exterior material, the proposed development would be acceptable in terms of the design and appearance. As such, it is considered the proposed development would comply with policies H2/1, H2/2 and OL1/4 and SPD9.

Impact on residential amenity - The nearest property to the building is Titus Cottage which is located to the south and whose garden backs onto to the rear boundary of the site.

SPD6 is the Council's adopted guidance and advises on acceptable privacy standards between existing properties and new residential extensions. It is also used as a guide for new build residential properties. It is advised that a distance of 20m should be maintained between habitable room windows and a minimum distance of 7m retained between 1st floor windows in a new build and a directly facing boundary with a neighbouring property.

There would be two windows inserted on the rear (south) elevation of the proposed building and this would be to a first floor bedroom window.

There would be a separation distance of 23m between the rear elevation of the converted building and the principle elevation of Titus Cottage and as such aspect standards would be satisfied. In terms of distance to the boundary, there would be approximately 4m from the rear elevation of the building to the directly facing boundary which would be below policy guidance. The proposed windows would be located centrally at the 1st floor level and would be small in size and considered to be a secondary type, the main source of light being sourced from the dormer window.

Any overlooking from the new window would therefore be minimal and it is considered would not cause adverse harm or overlooking to the neighbouring property.

In addition , there is dense and mature tree planting which runs along the shared boundary and which already substantially screens the building from view.

It is therefore considered that the proposed development would not have an adverse impact on residential amenity and would comply with UDP Policies OL1/4, H2/1, H2/2 and SPD6.

Highways - There is an existing access into the site and this would serve the converted building only. No 55 would use the access which is directly adjacent to their house.

Improvement works to the access to incorporate better visibility at the site entrance would involve the lowering the hedgerow and part of the boundary wall to a height of 0.9m to facilitate a safer exit from the site, which has been recommended by the Highway's Section.

It is proposed to provide 2 parking spaces and there is ample room to turn/manoeuvre within the area in front of the building.

The Highway's Section have raised no objections to the proposed development subject to conditions and as such the application is considered to comply with OL1/4, EN2/2, HT2/4 and HT6/2.

Ecology

Summary

GMEU previously accepted the findings of this ecological report as part of planning application 64326 on the 9th September 2019.

Bats

The building was assessed as having negligible bat roosting potential. From the photographs provided, GMEU have no reason to doubt the conclusions of the report. The report is now over 2 years old. However, given the building had no potential in 2019, GMEU are willing to accept the survey is still valid but that an update will be required if works are delayed beyond August 2022. GMEU therefore recommend a condition along the following lines is applied to any permission.

If the conversion works hereby approved do not commence before 1st August 2022, the building will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA

Nesting Birds

The building was assessed as low risk for nesting birds. There are however dense hedgerows along the frontage and southern boundaries and scrub behind the barn, which appear to be lost. Potential bird nesting habitat. 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 works to trees or shrubs shall occur 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. The development appears to result in the loss of the ornamental hedge along the frontage and scrub behind the Barn, along with associated bird nesting habitat. Mitigation should be provided, eg through planting of a native hedge along boundaries where site lines are not importance in keeping with the local landscape ie hawthorn hedges. GMEU recommend bird boxes are provided for loss of bird nesting habitat. A landscaping scheme has been submitted and the details can be conditioned.

Air quality

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, this Section recommends the following condition to be placed on are placed on any grant of permission:

Air Quality Condition: Prior to occupation the applicant shall provide 1 Electric Vehicle Chargepoint (minimum 7kW*) for each dwelling.

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 location plan Rev A dated 13-4-22; Existing floor plan EX K753/02; Proposed site plan PL K1028/01 rev D; Existing floor plan EX K753/02; Proposed floor plans PL K1028/02 rev B; Existing elevations EX K753/03; Proposed elevations PL K1028/03 rev E; Axo-cladding visual received 13/4/22 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 4 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 Chargepoint (minimum 7kW*) for each dwelling.

*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 If the conversion works hereby approved do not commence before 1st August 2022, the building shall be reassessed for bat roosting potential and the findings supplied to and approved 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 Section 11 of the National Planning Policy Framework.

- 7 The development hereby approved shall be carried out in accordance with the submitted landscaping scheme plan ref 6762.01 and shall also incorporate the provision of a bird box. The approved scheme and bird box 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 No works to trees or shrubs shall occur 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.

- 9 The visibility splays indicated on approved plan reference PL K1028/01 Revision D, implemented by the removal of the existing hedge and gates and lowering of the existing stone wall/gateposts, shall be implemented to the written satisfaction of the

Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.9m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, OL1/4 - Conversion and Re-use of Buildings in the Green Belt, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Access.

- 10 The turning facilities indicated on approved plan reference PL K1028/01 Revision D shall be provided before the development is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, OL1/4 - Conversion and Re-use of Buildings in the Green Belt, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Access.
- 11 The car parking indicated on approved plan reference PL K1028/01 Revision D shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the building hereby approved being occupied and thereafter maintained at all times.
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.
- 12 The development hereby approved shall be carried out in accordance with a Sustainable Drainage Scheme based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). The Scheme shall be implemented prior to first occupation and thereafter maintained.
Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
- 13 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.
- 14 The development hereby approved shall be carried out in accordance with the visual images and details of the zinc roof and cladding (Ral 9005 - Black/Nordic Night Black) submitted and received 13/4/22 and specified on approved plan PL K1028/03 rev E. Only the approved materials shall be used for the construction of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity, EN1/2 - Townscape and Built Design and H2/1 - The Form of New Materials and OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

<u>Case Officer</u> JT 20/4/22	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>

DELEGATED REPORT

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