

<b>Application Number:</b>	2012/0469	<b>Application Type:</b>	Full
<b>Proposal:</b>	Conversion of barn to form two flats and associated parking	<b>Location:</b>	Mangle Fold Barn, Elm Street, Edenfield, BL0 0JU
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	20 November 2012
<b>Applicant:</b>	Mr N Teague	<b>Determination Expiry Date:</b>	26 November 2012
<b>Agent:</b>	Mr Stephen Hague		

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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input type="checkbox"/>
<b>3 or more objections received</b>	<input type="checkbox"/> <b>3 objections received</b>
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That Permission be granted subject to the Conditions set out in Section 10.

## 2. SITE

The application relates to a former barn currently under conversion into one dwelling following planning approval 2002/293. The building and associated garage have not been lived in or used as a dwelling to date. The barn is accessed from a narrow unadopted street off Rochdale Road and serving 3 other properties along its length. A detached garage is located beyond the east gable of the barn with hardstanding surrounding. A detached garage was approved as part of the scheme in 2002 although the garage on site has not been built in accordance with the approved drawings, most notably it appears by virtue of window position to incorporate a first floor in the roof

space. To the south and east are open fields, to the north is a modern detached property associated with a separate residential development.

The application site lies within an area of countryside designated as Green Belt, immediately to the south of houses fronting Boundary Edge that are within the Urban Boundary of Edenfield.

### **3. RELEVANT PLANNING HISTORY**

#### **2002/293 Change of use of barn to residential including the erection of a front porch, detached double garage and garden curtilage**

Approved and via correspondence with Building Control I am satisfied a material start has been made within the timeframe of the permission. Although the permission included a condition requesting a bat survey was carried out prior to commencement on site. This condition has not been discharged.

#### **2012/298 Conversion of Barn to Form Four Flats and Associated Parking**

##### **Proposal**

Planning permission is now sought for the conversion of the barn into 4 flats, which will entail the following alterations to the barn/garage/parking provision over and above the extant permission (2002/293) :

- 1) Two first floor windows aligned with the ground floor windows in the south western gable;
- 2) Centrally positioned soil pipes to both gables;  
Five car parking spaces to the east of the garage including a tarmacs surface leading to them and down the side of the existing garage between the house.

Refused for the following reason:

The proposed scheme would result in an increase in vehicle movements over and above the number that would be generated by implementation of the extant Planning Permission 2002/293 to convert the building into one dwelling. Existing sight-lines are restricted at the junction with Rochdale Road (A680), with the splay to the south most particularly impeded by a high boundary fence and hedge not within the applicant's ownership or control. The main road is heavily trafficked, particularly at peak times, and without improvement of the sight line to the south, the scheme is considered to cause unacceptable risk to highway safety, contrary to the National Planning Policy Framework (2012), Policies DP5 and RT4 of the Regional Spatial Strategy for the North West of England (2008) and Policies 23 and 24 of the Council's adopted Core Strategy DPD (2011).

### **4. PROPOSAL**

Planning permission is now sought for the conversion of the barn into 2 flats. The external alterations are same as those proposed under 2012/0298 with the exception of the parking area. They include:

1. Two first floor windows aligned with the ground floor windows in the south western gable;
2. Centrally positioned soil pipes to both gables;
3. Four car parking spaces to the east of the garage including a tarmac surface leading to them and down the side of the existing garage between the house
4. Internally there would be a flat on each floor comprising a bedroom, kitchen and living space.

The applicant/agent had not originally provided details to show what the existing garage would be used for. I have recommended that this garage and the area between the garage and barn could be used for parking to serve one apartment and that two spaces could then be removed beyond the barn reducing the spread of development. The garage was originally approved for parking so this would be an acceptable use.

A plan has been submitted to show the elevations of the existing garage but does not show a first floor in the building. This plan is accompanied by a statement to say that this building would be used for a workshop and storage independent of the proposed apartments. The garage is within the red edge but the proposed use is not included in the description and initially plans were not provided. The garage has to be considered as part of this planning application.

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 9 Protecting Green Belt land

Section 11 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **Regional Spatial Strategy for the NW of England (2008)**

Policy DP1-9 Spatial Principles

Policy RDF 1 Spatial Priorities

Policy RDF2 Rural Areas

Policy RDF4 Green Belts

Policy L 2 Understanding Housing Markets

Policy L 3 Existing Housing Stock and Housing Renewal

Policy L 4 Regional Housing Provision

Policy RT 2 Managing Travel Demand

Policy RT4 Management of the Highway Network

Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

#### **Rossendale Core Strategy DPD (2011)**

AVP 5 South West Rossendale

Policy 1 General Development Locations and Principles

Policy 18 Biodiversity and Landscape Conservation

Policy 23 Promoting High Quality Designed Spaces

Policy 24 Planning Application Requirements

### **Other Material Planning Considerations**

RBC Alterations & Extensions to Residential Properties SPD (2008)

RBC Conversion and Re-use of Buildings in the Countryside SPD (March 2010)

5 years housing land supply report 2012-2017

## 6. **CONSULTATION RESPONSES**

### **LCC (Highways)**

No Objection

Planning permission was granted (2002/0293) to convert the barn into 1 x 4 bedroom dwelling which would require 3 off street parking spaces under the LCC parking policy.

There was an objection at the time of the previous application from the Highway Authority based upon the restricted visibility splay onto Rochdale Road from Elm Street and it is still a concern that the visibility splay gives 25 metres along Rochdale Road to the south and 21 metres to the north.

The required splay, detailed in Manual for Streets, is a Y distance of 43 metres with an X distance of 2.4 metres set back from the give way line. The splay to the north is partially restricted by a low picket fence which in its current state does allow a driver to see through and along Rochdale Road to the mini-roundabout which is approximately 75 metres away.

The existing splay to the south along Rochdale Road of 25 metres cannot be improved to meet the current standard due to a high boundary fence and hedge that is not within the ownership or control of the applicant.

The proposed 2 x 1 bedroom flats would require 2 off street parking spaces which is 1 space less than the extant permission.

It is my view that there will be no additional traffic generated by the proposed 2 x 1 bedroom flats than that of the extant permission.

I would recommend that the parking spaces are all moved over away from the garage to allow more room to open a car door.

The plan does not indicate what the area between the barn and the garage will become. If it is to be hard landscaped as a courtyard type area then it could be utilised by refuse vehicles and other delivery vehicles who would be delivering furniture for example. Otherwise it will be difficult for any large vehicles to manoeuvre within the site and exit in forward gear.

It will be necessary to provide a store for cycles, there is no detail on the detached garage but this could be utilised.

Elm Street itself is not maintained by Lancashire County Council, the Highway Authority.

## 7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order site notice was posted on 15/10/2012 and letters were sent to the relevant neighbours on 11/10/2012.

3 neighbour letters have been received raising the following concerns:

- The previous approval (2002/0293) the arched window on the front is shown to be part of the hall and landing. This would now serve both living rooms. The distance from our kitchen and conservatory windows is just over 10 metres. This does not meet the Council's policy so our privacy will be compromised.
- Safety implications of increased traffic using Elm Street. In 2002 there was an objection from LCC Highways that 'Elm street is unsuitable to accommodate further traffic'. The junction of Elm Street is on a bend and site lines are restricted. The case officer at the time stated:

- *Given that only one house is proposed I consider that it would be unreasonable to request that the road be made up/visibility improved. An application for more than one dwelling house would, however, likely necessitate the need to improve the road and its visibility onto Rochdale Road.*
- Elm Street is narrow and with more cars using it there is a danger traffic will have to wait on Rochdale Road before turning in to Elm Street.
- There are bats in the property.
- The barn is within the Green Belt and the use of the garden area by occupants of 2 apartments and all the domestic paraphernalia that goes along with this will be more intense than that of one single dwelling. In addition there is to be a larger hard surface parking area which will be detrimental to the rural feel of the area
- This is a family housing area and other apartments are available in Edenfield
- The same reason for refusal relating to increase in vehicle movement applies to this application (2 x 1 bed apartments) as (4 x 1 bed apartments)

## 8. **ASSESSMENT**

The main considerations of the application are :

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking; 5) Ecology.

### Principle

The application relates to an existing building in a relatively sustainable location with an extant permission for conversion into a 4 bed dwelling. Accordingly the principle of residential use has already been established. In accordance with the Council's Core Strategy there would be no requirement for any of the resulting units to be affordable.

### Visual Amenity

There are no further alterations to the building that considered under 2012/0298 therefore the assessment relating to the building itself is unchanged. Section 5.4 of the Council's Conversion and Re-Use of Buildings in the Countryside SPD states:

*"Proposals for conversion should make the maximum use of existing openings. New openings should be kept to a minimum and be of traditional design and character..The Council will expect external timber to be painted rather than stained.*

*The re-use of existing openings helps to retain the character of the building and reduces the impact on the structural stability of the building. If any new openings are considered essential they should be minimal in size and ideally located in rear elevations or any other location where their introduction would not be detrimental to the overall character and appearance of the building. All new and replacement windows and doors should match the existing as far as possible in order to ensure that the character of the building is preserved. All windows and doors should normally be painted in a dark colour, rather than stained, as stain is not a traditional finish."*

The two new openings within the gable at first floor level would be quite domestic in appearance, particularly so given the symmetry with those proposed at ground floor level. However, the barn currently under conversion to a dwelling has a very domestic looking porch and would upon completion have 9 more windows than the scheme now proposed. On balance therefore I do not consider that the provision of these two windows at first floor

level would unduly detract from the character and appearance of the former barn to a greater extent than the extant permission.

The additional parking spaces and tarmac surfacing would further add to the domesticity of the conversion (this has been reduced from five to four spaces since the previous scheme). However, a different surface material could be easily conditioned and I do not consider that the parking spaces would unduly detract from the visual amenities of the Green Belt, or the essentially open and rural character of the area subject to a suitable form of landscaping/boundary treatment. The existing curtilage would not be extended.

I have however, recommended to the applicant and agent that the garage on site should be utilised for parking as well as the area of land between the garage and the barn. The agent has submitted a plan showing the garage with a supporting statement to say that the applicant will use it for storage and as a workshop. There is concern that the details of the proposed use of the garage were not initially provided and now do not seem compatible with the rest of the scheme. To ensure good design and that no unnecessary harm is caused to the Green Belt it is considered necessary to condition that the garage and area between the garage and barn are used for parking associated with the proposed apartments and that only two additional spaces are created beyond the barn.

Subject to relevant conditions, the scheme is considered acceptable in terms of visual amenity/countryside impact.

#### Neighbour Amenity

There are no additional openings proposed and therefore the same assessment applies as with the previous application 2012/0298.

Window to window separation distances to houses to the west/south west are acceptable. The windows to the north would now serve habitable rooms opposed to a hall and landing and would face the side elevation of No.11 and No.9 Boundary Edge (which isn't shown on the submitted location plan), the residents of these have objected on the grounds of loss of privacy to their conservatory and garden. Although the windows would serve habitable rooms (a living room and bedroom) I am satisfied that existing levels and boundary treatments between the two properties would remove any loss of privacy at ground floor level and, due to the finished first floor level relative to the windows proposed at first floor level, I do not consider that they would allow for clear and direct views into the neighbours conservatory. The scheme is considered acceptable in terms of neighbour amenity.

#### Access / Parking

Adequate parking would be provided within the development. However, I concur with the views of the Highway Authority and the residents that visibility splays at the junction with Rochdale Road are inadequate. Rochdale Road is quite heavily trafficked and, an increase in traffic movements and an inability to improve sight lines to the south, would be unduly harmful to highway safety. In this instance I am mindful of the extant approval which was for a four bed dwelling and the proposal before me which is for two 1 bed apartments.

Any further intensification over and above a 4 bed dwelling would not be considered acceptable as it would result in serious highway safety concerns at the junction with Rochdale Road. This application will result in equal traffic generation to a 4 bed dwelling and as a result it is not considered that highway safety issues could substantiate a reason for refusal alone.

#### Ecology

Comments from local residents suggest that bats could exist within the building. There would be no changes to the roof from the scheme previously approved or a requirement to rebuild any part of the building to allow for the scheme of conversion. With the original approval a bat survey was conditioned prior to commencement. This condition has not been discharged.

The applicant has begun to implement the extant approval by replacing the roof of the barn. All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 making all species of bat European Protected Species. The applicant has submitted a response stating that regular spot checks have been carried out and no bats ever sited in or around the barn. Nevertheless considering the neighbour comments, the previous condition and appearance of the barn there is potential that protected species may be present in the barn and a bat survey shall be conditioned.

## **9. SUMMARY REASON FOR APPROVAL**

The development is not considered inappropriate in principle and, subject to the conditions, will not detract to an unacceptable extent from the essentially open and rural character of the Green Belt/Countryside, nearby Listed Building, neighbour amenity or highway safety. It is considered that the development is in accordance with Section 6 / 7 / 9 / 11 of the National Planning Policy Framework, Policies RDF1 / RDF2 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, Policies 1 / 2 / 3 / 4 / 8 / 16 / 23 / 24 of the adopted Core Strategy DPD 2011, and the Council's Conversion and Re-Use of Existing Buildings in the Countryside SPD (2010).

## **10. RECOMMENDATION**

That Permission be granted, for the reasons in section 11.

## **11. CONDITIONS/REASONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the drawings date stamped 04/10/2012, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.  
Reason: To ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policies 8 & 24 of the adopted Core Strategy DPD 2011
3. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of hard and soft landscaping, shall be submitted to and approved in writing by the Local Planning Authority, to include details of boundary treatments. Any fences/walls/gates forming part of the approved scheme shall be completed prior to first occupation of the dwelling hereby permitted. Any new planting shall be undertaken in the first planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any plants which are removed, die or becomes seriously damaged or diseased within 5 years shall be replaced by others of the same siting/size/species, unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: To protect visual and neighbour amenity, in accordance with Policies 1/ 18 / 24 of the adopted Core Strategy DPD 2011 and to preserve the character of the Countryside.

4. Notwithstanding the provisions of Classes A, B, C & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or revocation and re-enactment of it, there shall be no extension or outbuilding erected within the curtilage of the property hereby permitted without the submission and approval of an application for Planning Permission.

Reason: To accord with Countryside policy and protect visual and neighbour amenity, in accordance with Policy RDF1/RDF2/EM1 of the Regional Spatial Strategy, and Policies 1/ 24 of the adopted Core Strategy DPD 2011.

5. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of secure cycle storage to serve the approved development and details of the car parking provision which shall include the use of the existing garage and area between this garage and the barn shall be submitted to and agreed in writing by the LPA.

Reason: To protect the character and openness of the Greenbelt/Countryside and in the interests of highway safety, in accordance with section 4 / 9 / 11 of the NPPF and Policies 1/ 8 / 23 / 24 of the adopted Core Strategy DPD 2011.

6. No development approved by this permission or any further development on site shall take place until the barn has been surveyed for evidence of use by bats and the results of this survey submitted to the Local Planning Authority. Should bats be discovered, no development shall be commenced until a scheme for the conservation of this species has been agreed with the Local Planning Authority and implemented.

Reason: To protect bats and their roost sites in accordance with national legislation and Policy 18 of the adopted Core Strategy DPD.

7. Notwithstanding what is shown on the submitted drawings the existing outbuilding shall be used by occupiers of the hereby approved apartments for purposes incidental to the enjoyment of the dwelling houses and not for trade or business.

Reason: To protect neighbour amenity and in the interests of highway safety, in accordance with Policies 8 & 24 of the adopted Core Strategy DPD.