

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00386/PRA56

CASE OFFICER

Majid Mir

DETERMINATION DATE 17.06.2024 **EXT OF TIME** 12.07.2024

Address: Clough House Farm Clough House Lane Wardle Rochdale OL12 9PL

Proposal: Prior approval for change of use from agricultural building to dwellinghouse (Use Class C3)

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	PRIOR APPROVAL REQUIRED AND APPROVED SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RG

DATE: 12 July 2024

SITE

The application relates to a detached block-built and corrugated steel barn that is located across from a small collection of dwellings that includes the Grade II listed Clough House (includes Clough House Farm).

The site is located in the Green Belt and is accessed via a narrow lane from Wardle. There is no planning history for the barn and appears to have been constructed without planning permission. It is unclear when the barn was constructed, but historic maps show that the structure had been constructed some time before 2000.

Two previous applications have been made (21/01755/PRA56 and 22/01101/PRA56) for prior approval for the change of use from agricultural building to dwellinghouse (Use Class C3). Both applications were refused.

PROPOSAL

The application seeks prior approval for change of use from agricultural building to dwellinghouse (Use Class C3). The proposed work consist of alterations to the existing structure through the provision of new windows and doors, recladding of the roof, cladding of external walls and the provision of services.

Internally it is proposed that new partition walls be constructed and the existing floor space be altered to create a through kitchen/dining room/lounge living area, two bedrooms, a bathroom and a hall.

RELEVANT PLANNING POLICY

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Conservation of Habitats and Species Regulations 2017 (as amended)

RELEVANT SITE HISTORY

22/01101/PRA56 Prior approval for change of use from agricultural building to dwellinghouse (Use Class C3) including installation of new windows and doors on front and side elevations.
Decision: Refuse. Reason for refusal:

By virtue of the proposed design which would include the insertion of new windows and the application of external render, the building would no longer be read as an agricultural building. This would appear as an anomaly within the setting of the historic farmstead and would adversely affect the setting and significance of the adjacent Grade II listed Clough House Farm and fail to respond positively to the existing character of its surroundings. The less than substantial harm caused to the setting of the designated heritage asset would not be outweighed by public benefits and the development would be contrary to policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

21/01755/PRA56 Prior approval for change of use from agricultural building to dwellinghouse (C3) including installation of new windows and doors on front and side elevations.
Decision: Refused. Reason for refusal:

Insufficient evidence has been provided to demonstrate that the building to be developed under Class Q can be reasonably converted within the provisions of criterion (i) into a dwellinghouse. The National Planning Practice Guidance sets out that it is not the intention of the permitted development right to include the construction of new structural elements for the building and insufficient evidence has been provided to demonstrate that this would be the case. The proposal does not therefore comply with the above requirement and cannot be considered to benefit from permitted development rights under Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

CONSULTATION RESPONSES

Highways And Engineering

This proposal is well removed from the highway and unlikely to impact upon the highway and as such we have no objections.

Env Health - Noise/Odours

This section has no objections to the proposals

Conservation And Design

Subject to a condition, requiring samples of materials, and details of windows and doors (which should be fabricated in either timber or aluminium) it is considered that the proposal would have a neutral impact on the significance of the heritage asset.

United Utilities

No comments received to date

Environment Agency

No comment.

The Coal Authority

No comments received to date

Lead Local Flood Authority/Drainage

Recommend condition requiring details of foul & surface water drainage scheme to be provided.

Environmental Control (Landfill Gas)

Would require an investigation if the application went ahead.

Rights Of Way Officer

I have considered the four documents on the Planning site for Planning Application 24/00386/PRA56 and the proposal does not appear to affect the definitive right of way running adjacent to the property and labelled as WarFp43 on our records.

This route should not be obstructed at any time Prior, during and following the development, there should not be any materials or vehicles left on the right of way and scaffolding or fencing should not be erected on the right of way.

Gtr Manchester Ecology Unit

The bat survey (Bat Worker, June 2024) found no evidence of bats in the building and found it to have negligible potential to support roosting bats.

Based on the above, we would make the following recommendations:

- Any new external lighting must be designed in line with best practice guidelines (e.g. <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>) to avoid impacts on nocturnal animals such as bats.
- Work (including building work and any vegetation and site clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.
- Biodiversity enhancements should be delivered by this application, in line with the measures/details identified within the PRA.
- An informative should be used so that the applicant is aware of the legal protection that certain species receive and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately and an ecologist/LPA should be contacted.

GM Fire Service

There is not enough information provided with the above proposal to satisfy requirement B5 Access and facilities for the fire service of Approved Document B Volume 1, 2019 edition.

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 a minimum of 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. It is noticed that there is a small bridge on Lower House Lane before the turning to Clough House Lane, there has been information provided to suggest that this will support the weight of an appliance.

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

Currently there is no water provision within over 200m of the proposed works, consequently, this development will require the provision of alternative water supplies or domestic suppression/sprinkler systems in line with Approved Document B Volume 1, 2019 edition.

The Fire Service strongly supports the installation of domestic sprinkler systems as a positive measure to protect persons. At a small cost occupants' can be given the reassurance of a high level of protection. All developers should positively consider the viability of installing domestic sprinkler systems. The access requirements for a dwelling fitted with an approved sprinkler system can deviate from the required standard detailed above, further consultation will be required.

REPRESENTATIONS

Letters of notification were sent to surrounding properties. One representation supporting the application and one neutral response was received. The representations have been summarised below:

- ☐ Do not have any concerns, and support the application.
- ☐ It will not affect us in anyway.
- ☐ There are 5 properties at the moment, and we have no issues with parking, highway safety, congestion, noise, disturbance or any other concerns regarding this proposal. Cannot see it changing by adding a dwelling house.
- ☐ Why have the words "including new windows and doors been removed from the application summary" ?
- ☐ Why were the previous plans rejected?

Officer comments. The report and decision notice for the previous applications can be found on the Council's website.

- ☐ Concerned about the impact on noise.
- ☐ Concern about privacy – concerns about new windows – queries in regards to details of windows (including materials, openings, etc)
- ☐ Privacy and security concerns due to introduction of garden and traffic.
- ☐ Design - proposal feels quite intimidating, transformative and not in keeping with the listed building or historic nature of the area.
- ☐ Where will the water / septic tank will be placed. Concerns about impact to any ground movement caused to buildings and the disturbance of the wildlife.
- ☐ Will there be a boiler for heating and water? if so, where will that live, which side of the dwelling would the exhaust be on?
- ☐ Concerned about neighbouring property due to any potential land shift from the renovation / ground works. And potential cost implication.
- ☐ Highways concerns caused by additional traffic – concerned about wear and tear on roads. Already have serious issues with pot holes.
- ☐ Concerned about noise, access, parking, safety, increase in un-natural lighting / light pollution related to increase traffic.
- ☐ Due to niche nature of proposed dwelling, if occupants move out, building may be left in disrepair and thus potential impact on value of neighbour properties.

Officer comments: The application is a prior approval application for the change of use of an agricultural building to a dwellinghouse. Therefore consideration can only be given to the factors that legislation allows. Some of the concerns raised fall outside the remit of the application and therefore cannot be considered. Where relevant, the concerns raised have been discussed in the report below.

ANALYSIS

The application is for prior notification for the Change of Use of an Agricultural Building to a C3 Dwellinghouse under Schedule 2 Part 3 Class Q (agricultural buildings to dwellinghouses) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Part Q of the legislation relates to development consisting 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 or
- (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Q.1 Development is not permitted by Class Q if—

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—
 - (i) on 20th March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

“Agricultural Unit,” is not defined in article 2(1) of the GPDO, however paragraph X of Part 3 defines an “established agricultural unit” as “agricultural land occupied as a unit for the purposes of agriculture (and which was in use for that purpose on or before the relevant qualifying date under Classes Q, R and S respectively).

Furthermore, in Part 6, “agricultural unit” is defined in paragraph D.1 as “ agricultural land which is occupied as a unit for the purposes of agriculture, including —

- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or***
- (b) any dwelling on that land occupied by a farmworker***

The application form states that on 20 March 2013, the site was used solely for an agricultural use as part of an established agricultural unit.

The supporting report has provided some information including details of a holding number. The evidence was previously considered by under the refused applications. The case officer set out ‘in respect of the above it is noted that no evidence has been provided to the LPA that the building was used solely for an agricultural use as part of an established agricultural unit in relation to the above requirements. There is also however no evidence before the Council to dispute the applicants claim that the building was not solely in agricultural use on the date specified. In the absence of any evidence to disprove that the building was in agricultural use on the 20th March 2013 it is considered that the application satisfies this requirement of the GPDO.’

Taking note of the above, with no change in circumstances, it is considered that the application still satisfies this requirement of the GDPO.

- (b) In the case of –
 - (i) a larger dwellinghouse, within an established agricultural unit—
 - aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
 - bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

The floor space of the existing building changing use would equal approximately 94 square metres.

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

The floor space of the existing building changing use would equal approximately 94 square metres.

(c) In the case of –

- (i) a smaller dwellinghouse, within an established agricultural unit—
 - (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or
 - (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The number of dwellings proposed to be developed under class Q would be one.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

- (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

No larger dwellinghouses are proposed. There are no previous developments under Class Q.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The supporting report and application form confirms the site is owner occupied and has never been subject to an agricultural tenancy. No additional information has been provided. No evidence has been provided to indicate that the site is currently occupied under agricultural tenancy.

(f) less than 1 year before the date development begins—

- (i) an agricultural tenancy over the site has been terminated, and
- (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

The supporting report and application form confirms the site is owner occupied and has never been subject to an agricultural tenancy. No additional information has been provided. No evidence has been provided to indicate that the site was previously occupied under agricultural tenancy.

- (g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
- (i) since 20th March 2013; or
 - (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

No information has been provided to confirm the above. There is no evidence to demonstrate that development under Classes A(a) or B(b) of Part 6 of this schedule had been carried out on the established agricultural unit.

- (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The proposed elevations confirm that the building will be clad in 'natural local sandstone slips. The depth of this cladding is however considered to be de minimis and is not considered to result in an extension of the external dimensions of the building under Class Q.

- (i) the development under Class Q(b) would consist of building operations other than—
- (i) the installation or replacement of—
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services,to the extent reasonably necessary for the building to function as a dwellinghouse; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

The National Planning Practice Guidance outlines that building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.

The NPPG guidance adds that 'it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right' (Paragraph: 105 Reference ID: 13-105-20180615). In effect, it is only

when the existing building is already suitable for conversion to residential that the building would be considered to have this permitted development right as it is not the intention of the right to allow rebuilding work beyond what is reasonably necessary for a conversion. Internal works are not generally development. The NPPG adds that for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.

*This requirement is clarified further through the case law **Hibbitt v. SSCLG [2016] EWHC 2853 (Hibbitt case)**. The judgement found that an agricultural building must be capable of conversion to residential use without operations that would amount to complete or substantial rebuilding of the original building. Whether or not a development goes beyond the scope of conversion is a matter of fact and degree and requires an element of judgement.*

The application is supported with a structural report. The report concluded that the barn is capable of being converted into a domestic building without the need to carry out significant demolition.

The report outlines that the foundations comprise a substantial concrete raft and that there is no evidence of subsidence or settlement of the slab/foundation. The report confirms that the raft is capable of providing support for a new leaf of masonry to form the cavity wall arrangement for domestic conversion.

The report outlines that the raft has sufficient edge depth for the construction of a stone facing (outer leaf) or alternatively, a new inner leaf could be built and the outer leaf rendered.

The roof structure is also capable of being reused. It is stated that the purlins may need to be supplemented but the king post trusses are structurally adequate. It is advised that a blue slate finish can be achieved. The truss over the front elevation may need to be replaced.

The report confirms that the existing floor slab is free from any significant movement or defect. Nonetheless, it would be necessary to provide an additional concrete slab and insulation.

In light of the above it is considered that sufficient information has been provided with the application to demonstrate that the building is capable for conversion. It is clear works need to be undertaken to make the building suitable for habitation, including the erection of a new inner skin wall, new roof covering and windows and doors and the installation of insulation. However, works can be undertaken without any structural works that would fall outside of the development listed within the class.

- (j) the site is on article 2(3) land;

The site is not on article 2(3) land.

- (k) the site is, or forms part of—

- (i) a site of special scientific interest;

- (ii) a safety hazard area;
- (iii) a military explosives storage area;

The site does not form part of a SSSI, safety hazard area or a military explosives storage area.

- (l) the site is, or contains, a scheduled monument; or

The site is not, nor does not contain a scheduled monument.

- (m) the building is a listed building.

It is not a listed building.

Prior approval Matters

Paragraph Q.2 (1) states that 'where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- 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,
- f. the design or external appearance of the building, and
- g. the provision of adequate natural light in all habitable rooms of the dwellinghouses,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Transport and highways impacts of the development

The highways department have no objection to the application, having stated that the application site is well removed from the highway and unlikely to have any impact. Furthermore, it is noted Clough House Lane (an unadopted highway) is well established and serves a number of properties and farms. Additionally, it was noted that there appears to be sufficient space to provide off-street parking spaces in accordance with the Council's parking standards. The highways department noted in the previous application that there appeared to be adequate turning space for larger service vehicles.

Concerns were raised in regards the potential impact of heavy vehicles causing damage to the lane by construction vehicles and a suggestion was made by the highways department to request a dilapidation survey by condition. It is however noted that this was not a concern that was previously raised by the highway department. Considering the nature and scale of the development, it is considered that it would be inappropriate to require a dilapidation survey by condition.

A definitive right of way runs adjacent to the application site. The Public Rights of Way Officer concluded that the proposed development would not affect the public right of way. However, the Public Rights of Way Officer did provide advice, stating that the route should not be obstructed at any time prior, during and following the development, there should not be any materials or vehicles left on the right of way and scaffolding or fencing should not be erected on the right of way.

The Greater Manchester Fire Service noted that there is currently no water provision within over 200m of the proposed site, consequently, the site will require the provision of alternative water supplies or domestic suppression/sprinkler systems in line with Building Control. The concerns raised by the fire service are recognised but fire risk is not one of the matters for which approval is required. As such, although the Fire Service raise fire safety concerns, these do not directly equate to highway safety matters. As such the application is acceptable in this regard.

Noise Impacts of the development

No Noise Impact Assessment has been submitted with the application. The site is however in a relatively remote and semi-rural location that comprises of a small collection of dwellings. The immediate area is primarily agricultural in nature and it is therefore considered that the applicant property would not be directly affected by any discernible noise pollution from the surrounding land uses. The neighbouring properties are similar residential dwellings and therefore would be compatible as an adjacent use. Overall, it is not considered that the proposed use of the application building as a residential dwelling would have any undue impact on surrounding uses by virtue of the use of the properties.

Contamination risks on the site

It is noted that the proposal comprises the renovation and change of use of the existing building for residential purposes. The Council's Public Protection Officer has requested that the existing building and site be inspected prior to the commencement of development and a Preliminary Risk Assessment is undertaken prior to any works being undertaken. A condition requiring a report in regards to contamination to be submitted and agreed is considered to be acceptable.

Flooding risks on the site

The site is located within a Flood Zone 1 and is not located within a Critical Drainage Area. However, through consultation with the Council's Drainage Officer it is noted that the site is not served by a mains sewage system and as such, foul drainage details are required.

The Drainage Officer noted that no drainage details were provided and advised farm is likely serviced by a septic tank that discharges to Clough House Brook. However, as of January 2020 septic tank discharge to a watercourse is no longer permitted, and therefore will need to be upgraded. The Drainage Officer advised that if there is no public sewage system, then the building will need to be serviced by either a small packed 'pumping station' to deliver the effluent to the public sewer, or a septic tank or small 'packaged sewage plant'. The Drainage Officer provided further advice in regards to paving the driveway and advised that permeable paving should be used. As such the Drainage Officer advised the inclusion of a pre-commencement condition requiring details of foul water drainage scheme.

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

Although protected species are not specifically referred to within the GPDO, regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) still applies. This states that the 'appropriate authority and the nature conservation bodies must exercise their functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive'. Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions. As such, consideration needs to be given to whether there is a reasonable likelihood of protected species being present and affected by the development. A Preliminary Bat Roost Assessment Report was provided with the application. No evidence was recorded to suggest bats were roosting within the building and no bats were observed or recorded using the building for roosting. The report concluded that there was negligible potential to support roosting bats and no further surveys are required. GMEU raised no objections to the report and provided guidance and a list of conditions that should be included with any approval.

The southwestern part of the site is located with the Coal Mining Development High Risk Area. It is however noted that the application is for a change of use with no proposed construction work.

The design or external appearance of the building

The application site is located adjacent Clough House Farm which is a Grade II listed building. The development site itself is not a heritage asset but it is within the setting of a Grade II listed building. It is therefore clear that the design or external appearance of the proposed development could impact on the setting of the listed building and this should be given due consideration in assessment of the application.

The application site consists of a modern single storey agricultural building. The existing building is of no particular architectural or historic interest, however, it does represent the development of the farm complex over time, embodying typical 20th century agricultural development. Its significance lies principally in demonstrating the evolution of the farmstead over time.

Its utilitarian appearance detracts from the setting of the farmstead in terms of materiality and form. However, it is not uncommon for historic farms to be surrounded by modern agricultural buildings, which are functional in appearance. As such, it is not an overly incongruous feature within the setting of the listed building.

The changes to the use of the building and the insertion of additional windows would reduce the building's agricultural appearance. It would give it a quasi-residential appearance, which would no longer be in keeping with its agrarian appearance. There would be some harm to the significance of the listed building, as a result of this development within its setting.

Whereas the previous application proposed rendering the building, this application proposes to use sandstone slips which the Conservation Officer confirms would improve the appearance of the building and would give it a materiality more appropriate to the local vernacular and the designated heritage asset. Additionally, the harm would also be offset by ensuring the building comes back into use, as it presents a key insight into the building's past use.

Subject to a condition, requiring samples of materials, and details of windows and doors (which should be fabricated in either timber or aluminium) it is considered that the proposal would have a neutral impact on the significance of the heritage asset.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

Paragraph 135 of the National Planning Policy Framework requires planning policies and decisions to ensure that new developments create a high standard of amenity for existing and future users.

The proposal would see all the habitable rooms served by at least one set of double, full length windows and in the case of the main living area, this would be provided with windows to three elevations. The hallway and bathroom would be provided with light through high level windows, however these are not habitable rooms.

With the fenestration proposed the development would be provided with a sufficient amount of natural light and the application is acceptable in this regard.

Space Standards

Section 3 (9A) of the GPDO states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse which fail to comply with the Nationally Described Space Standards (NDSS). The proposed dwellinghouse would have two bedrooms and would be set over a single floor. The plans provided suggest the internal gross floor area would be approximately 86sqm. This would exceed the minimum 70sqm required for a 2 bedroom, 4 person dwellinghouse set over 1 storey. There also appears to be sufficient space for built-in storage. Finally, the bedrooms appear to meet the minimum sizes required by the NDSS for bedrooms.

RECOMMENDATION

PRIOR APPROVAL REQUIRED AND APPROVED SUBJECT TO CONDITIONS

1. The use of the building as a dwellinghouse within Use Class C3 must be completed not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Paragraph Q.2 (3), of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. This permission relates to the following plans:-

Proposed Floor Plan and Elevations. Existing and Proposed Site Plans.
Location Plan. Drawing no: Bebb/1016/3490/01

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.
Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and to protect the setting the adjacent listed building in accordance with policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. No above ground works shall take place until a scheme for the full specification of the windows and doors have been submitted to and approved in writing by the Local Planning Authority. The specification shall include, at a scale of not less than 1:20 the longitudinal and cross sectional detailing with the depth of the reveal shown, cill and lintel detailing and means of opening together with any finished treatment. The window and doors shall be installed in accordance with the approved specification prior to first occupation and retained thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and to protect the setting the adjacent listed building in accordance with policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. Prior to commencement of the development a Phase I Report (Preliminary Risk Assessment) must be completed to assess the actual and/or potential contamination risks at the site. The Phase 1 Report must be submitted to, and approved in writing by, the Local Planning Authority and shall include a desk top study, site walk over, conceptual model, basic hazard assessment and recommendation regarding the need or otherwise for further investigation and risk assessment.

Where the Phase 1 Report has identified potential unacceptable risks, a suitable investigation, risk assessment and remedial action shall be carried out in accordance with details and within a timescale to have first been submitted to and approved in writing by the Local Planning Authority.

In the event that contamination is suspected or found at any time when carrying out the approved development that was not previously identified, or contamination is caused, the Local Planning Authority shall be notified immediately and development affected and potentially affected by the contamination must stop. An investigation and/or risk assessment and/or remediation shall be carried out in accordance with an agreed process and within agreed timescales to have first been submitted to and approved in writing by the Local Planning Authority. If contamination is not suspected, found or caused during development, this must be confirmed in a completion letter which is subject to the approval in writing of the Local Planning Authority

Reason: To ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Contamination investigation and any required mitigation measures will require investigation before the significant disturbance to ground and removal of material.

6. No development shall commence until full details of the foul water drainage scheme is submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented prior to the first occupation of the dwelling hereby permitted and shall be retained as such thereafter.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

Notes for Applicant:

1. Public right of way

The applicants are advised that they will have to ensure that the legitimate use of the public rights of way network in the area are available to the general public and there are no risks whilst exercising this right. It should be noted that it is an offence to obstruct a public right of way. The public right of way network must not be obstructed at any time prior, during and following the development and there no materials or vehicles must be left on the public right of way. No scaffolding or fencing should be erected on public the right of way. Any work to alter the formal route of a public right of way will need to be undertaken through a separate application and work to the definitive public right of way must be dealt with legally prior to any work being undertaken. The applicant is advised to contact the Council's Public Rights of Way Officer for further guidance.

2. Sprinklers

The Greater Manchester Fire and Rescue Service (GMFRS) has noted that there is currently no water provision within over 200m of the site, consequently, GMFRS have advised that the building will require the provision of alternative water supplies or domestic suppression/sprinkler systems in line with Approved Document B Volume 1, 2019 edition (or any subsequently superseding document).

The Greater Manchester Fire and Rescue Service has advised that it strongly supports the installation of sprinkler systems as a positive measure to protect persons. The provision of a sprinkler fire suppression system would have significant benefits for the development. It would ensure that any fire would be quickly controlled and would significantly reduce any fire damage to the building. This is particularly important as business continuity following a fire as an important factor in the ongoing viability of an organisation.

3. Bats

All bats and their roosts are protected under the Wildlife and Countryside Act 1981; the Countryside and Rights of Way Act 2000; the Natural Environment and Rural Communities Act 2006; and by the Conservation of Habitats and Species Regulations (2010). Before any work can proceed which may cause harm to bats, a License will need to be obtained from Natural England derogating from the terms of the legislation protecting bats. The License application process is separate from any grant of planning permission.

4. Birds

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

5. Driveway – permeable paving

No permission is hereby granted for the works to the driveway. Any new hardstanding areas for driveways and car parking contributes to rainfall runoff from new developments. Permeable paving is one of the optimal methods of reducing the runoff.