

Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition no.2 (external materials), no.16 (lighting scheme) no.21 (approved plans) to include repositioning of rooflights and re-opening of existing window on South Facing Elevation and alterations to Western Elevation pursuant to application 10/20/0996 "Change of use of 2 x barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works"

**Site address:
Hob Lane Farm Barns
Blackburn Road
Turton
Bolton
BL7 0PU**

Applicant: Mr Djemel Salah-Bay-Carr

Ward: West Pennine

Councillors: Jean Rigby; Julie Slater; Neil Slater



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions, as stated in paragraph 5.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 Members are advised that the application is submitted under Section 73 of the Town and Country Planning Act 1990, as a minor material amendment. It seeks to vary conditions attached to the planning permission granted in January 2021, by the Planning and Highways Committee, for the *“change of use of 2 x barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works”*.
- 2.2 This application has been brought back to committee as members determined the original approval under planning ref. 10/20/0996. The fundamental changes proposed to the development previously approved are the re-positioning of roof lights, and the re-opening of a first floor window in the south elevation, and alterations to the west elevation by way of changes to the roof design and removal of the large triangular feature window in the west facing gable. Full details of the proposed variations to the conditions are set out in paragraph 3.2.1. When the applicants purchased the barns a restrictive covenant was put in place which does not allow for any clear glazing above ground level, including roof lights to the North and West Elevations if they can be seen from the substantially completed dwelling, called White House Farm, and its associated adjacent to the Northern boundary of the application sites. The alterations proposed seek to minimise the impact of the covenant.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site of the proposed development is located on the edge of the adopted Village Boundary of Edgworth, as defined on the Proposals Map accompanying the Local Plan Part 2.
- 3.1.2 The application site is characterised by a complex network of relationships with the surrounding built and landscape environment: On land immediately to the north, against the village boundary a new detached dwelling is in the process of being completed. To the south, the site forms part of a ‘fold’ – where through the 18th and 19th centuries a relationship of buildings developed around a farmyard. The Hob Lane Cottages, whose rear elevations abut the application site on this south side, include the Grade II listed buildings at Nos. 2 and 4. The West Pennine Moors stretch out to the west of the site, the land dropping gently down to Wayoh Reservoir. Finally, on the east side, the larger of the two barns that are the subject of this application adjoin 475 and 473 Blackburn Road.



Extract from Google street view – the 2 barns edged in red

3.1.3 The application site is comprised of two barns. The larger barn is a continuation of the building that comprises Nos. 473 and 475 Blackburn Road and which, together with its adjoining neighbours, forms the northern side of the fold. The smaller barn is located off the south-west corner of the larger barn, the separation distance between the two being about 1.8 metres and is orientated at 90 degrees to it. Both barns have been in need of structural repair. f. This was previously halted by enforcement action whilst the ecological impact of the works was assessed (the smaller barn having been used as a nesting place for a barn owl) at the time of the application. Within the forecourt yard area of the site towards the north-eastern boundary is a protected tree under TPO ref. Old14.



Extract from Google street view – the 2 barns edged in red

3.2 Proposed Development

3.2.1 Following approval of application 10/20/0996 by Members at the January 2021 Planning & Highways Committee, and the Discharge of Condition applications 10/21/0112 and 10/21/0446, which discharged all conditions except those subject to this application, the proposals, the subject of the current application, seek the following amendments and variations to the approved development:

3.2.2 Firstly, permission is sought to vary condition No.2 which relates to external materials. This condition details that prior to commencement of the development approved samples of all external walling, roofing materials and their colour to be used in construction of the building works shall be submitted to the Local Planning Authority (LPA). It should be noted the stone being used to face the proposed extension has been approved under planning ref. 10/21/0446. Due to the applicant not yet knowing the type and colour of the windows and doors they are to have, and having not investigated the type of guttering and drainpipes for these traditional barns, the proposal seeks to change the wording of this condition to allow the materials to be submitted and approved in writing by the LPA. The second variation being sought is to amend the external lighting condition as part of 10/20/0996, condition No.3 which was imposed as a pre-commencement condition, to allow them to submit these details during the course of the repair and conversion works.

3.2.3 Finally, condition No.21 on the original planning approval identifies the approved drawings for development. The proposal seeks a number of alterations to the previously approved scheme. The following is a list of the changes proposed as part of this application:

- Re-positioning and enlargement of rooflights to north and south elevations;
- Re-opening of existing first floor window, former hayloft window on the south elevation;
- Removal of triangular feature window to west elevation; and,
- Proposed alterations to the approved arrangement on the west elevation by virtue of stepped nature circa 1.3m extension to allow clear glass within the first floor window openings.

3.3 Development Plan

3.3.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015).

3.3.3 Core Strategy (2011)

- Policy CS16 – Form and Design of New Development

- Policy CS17 – Built and Cultural Heritage

3.3.4 Local Plan Part 2 (2015)

- Policy 8 – Development and People
- Policy 11 – Design
- Policy 21 – Conversion of Building in the Countryside
- Policy 39 – Heritage

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (NPPF) (July 2021)

1. Section 12: Achieving well-designed places
2. Section 16: Conserving and enhancing the historic environment

3.4.2 Residential Design Guide SPD

3.4.3 Conversions of Buildings in the Countryside SPG

3.5 **Assessment**

3.5.1 The amendments are proposed due to restrictive covenants on the application site. This is not a matter for the Local Planning, and thus the proposals have been assessed on their planning merits.

3.5.2 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

3. Principle of Development
4. Residential Amenity
5. Design/Visual Amenity
6. Impact to the setting of Listed Buildings

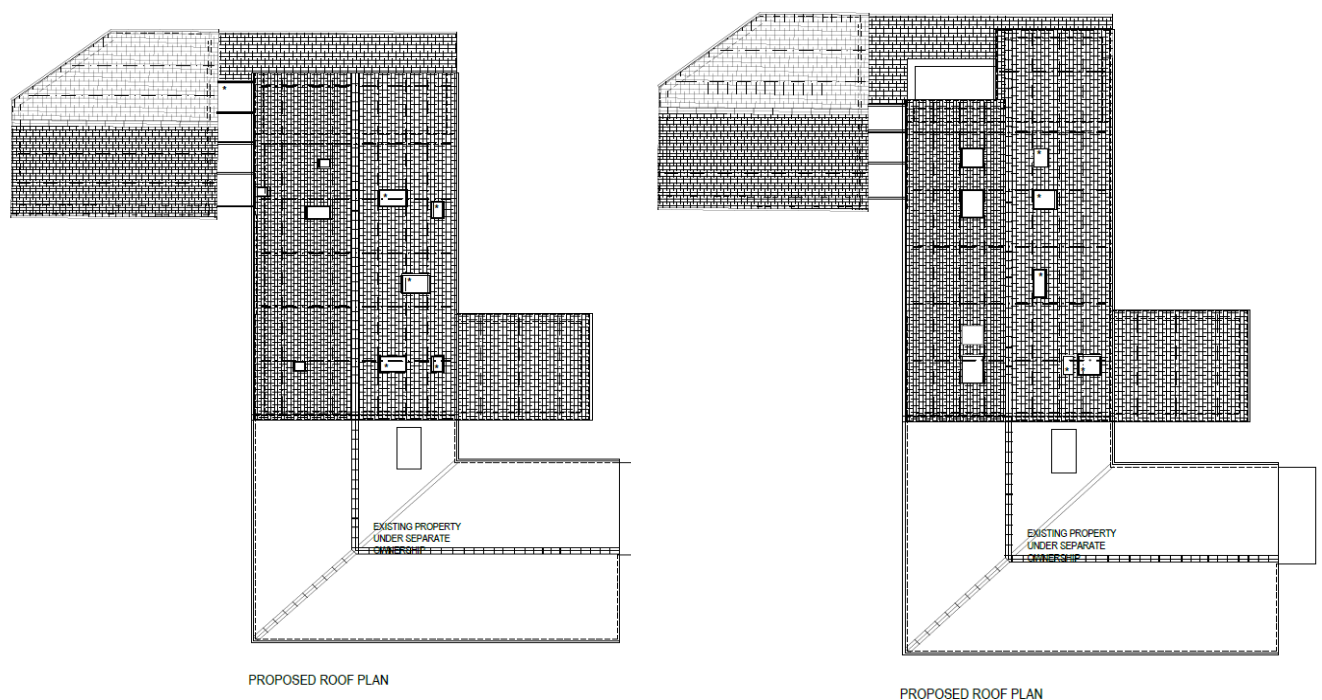
3.5.3 Principle

3.5.4 The principle of the development was established under planning application reference 10/20/0996.

3.5.5 Residential Amenity

3.5.6 Policy 8 ii), supplemented by Residential Design Guide policies, requires development to secure a satisfactory level of amenity to occupants of surrounding properties, with regard to loss of light, privacy/overlooking and relationship between buildings.

3.5.7 The original consent granted permission for the insertion of five rooflights to the north elevation and four to the south elevation. The same number of rooflights to both elevations are proposed as part of this application, however the positioning and size have been altered.



Proposed roof plan showing rooflights 10/20/0996 (right) and 10/21/0675 (left)

- 3.5.8 The proposed amendments to the rooflights presented above are not considered to present any greater harm upon the amenity of surrounding properties in terms of direct overlooking and loss of privacy than the previously approved proposal. Moreover, the increase in size will maximise light internally into the property and will improve the living conditions of any future occupiers of the development, in accordance with the requirements of Policy 8 ii) of the Local Plan Part 2
- 3.5.9 The re-opening of the first floor window to the south elevation will serve a non-habitable void area. The separation distance between No.4-8 Hob Lane which this window opening directly face is circa 15.7m. The adopted standard separation distance between habitable rooms facing non-habitable rooms is 13.5m, as such it is considered the proposal accords with RES E3 of the Residential Design Guide SPD. The need for obscure glazing is therefore not necessary to protect the privacy of the adjacent occupants.



Proposed south elevation showing addition of first floor central window

3.5.10 Members are minded that a restrictive covenant on the barns prevents the use of clear glazing above ground floor to both the north and west elevations of the barn to protect the amenity of the neighbouring property (No.10 Hob Lane). The proposal for obscure glazing on the upper floor windows on the Northern and Western Elevations was not required as part of the previous planning approval as the Council consider there would be no overlooking or loss of privacy to any of the habitable windows in White Lodge Farm resulting from the residential use of these barns. However, it is recognised the owners are legally bounded by these restrictive covenants.

3.5.11 The proposal in its approved form, by virtue of the setback nature at first floor, presented opportunity for overlooking of the garden area at White Lodge Farm from the west-facing gable, in which the transferor of the legally binding covenants does not want to experience any overlooking or loss of privacy of their outdoor space.

3.5.12 The proposals therefore seeks to extend the first floor family room by an additional 1.3m to ensure that there is no window to window sight line from the glazing on the extension to White Lodge Farm or any of its associated curtilage. As such, no views are allowed by the Transferor of the covenants to the habitable rooms or curtilage of the abovementioned property. Taking this into consideration, the proposed amendments will not result in any prospect of overlooking, thus meeting the requirements of the covenants and accordingly the use of clear glazing on the western elevation can be implemented to the windows.

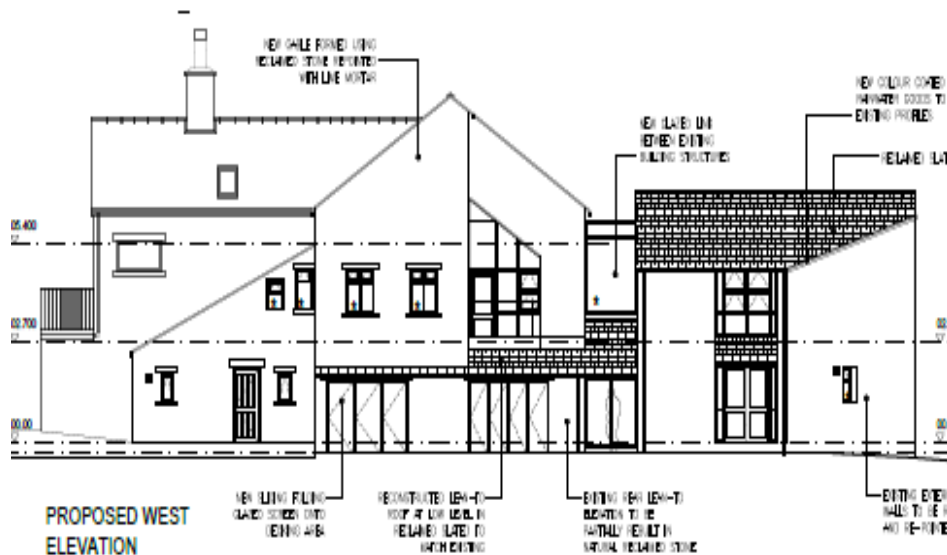
3.5.13 The proposed amendments to the design of the proposals will not harm the amenity of any of the dwellings adjoining the site. The proposals thus accord with LPP2, Policy 8 ii).

3.5.14 Design/Visual Amenity

3.5.15 Policy 11 of the LPP2 (2015) requires that the design, scale, massing and external appearance of the development should harmonise with the existing buildings and should not have an adverse impact upon the character of the streetscene.

The west elevation - West elevation (the two barns) and proposed alterations below





3.5.16 The approved proposals relating to the gable wall positioned on the larger barn included a large first floor triangular glazed feature window serving the family room. This application seeks to remove part of this feature window and replace with a single smaller window opening. The proposed replacement extension is to be built using the existing stone from the gable of the existing barn. The reduction in the extent of glazing on this gable wall which will appear far less visually intrusive than the previous large amount of glazing approved, particularly when viewing the site from Hob Lane. For these reasons the proposed amendments are considered to be acceptable.

3.5.17 The glazed link approved on the western elevation has been set back an additional circa 2.7m and first floor family room is to be stepped a further 1.3m due to the legally binding covenants in place,. The proposed alterations do not significantly alter the overall appearance of the dwelling as approved and Officers acknowledge that where glazing is set back from the face of a building the impact on these traditional farm buildings and landscape character is greatly reduced

3.5.18 The National Planning Policy Framework is clear that planning conditions should meet the following tests:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other aspects.

3.5.19 This application seeks to vary the materials condition No.2 of the original planning approval which was a pre-commencement condition. As part of application 10/21/0446 the external walling materials, which seeks to use the stone from the existing west facing gable that is to be extended and internal

stonework that currently sub-divides the barn. As such, the walling materials aspect of the condition have been agreed by the LPA.

- 3.5.20 The variation of the condition relates to all other external materials which details have yet to be finalised. Therefore the conditions seeks to change the wording this is not an usual request and is perfectly reasonable, in accordance with the above tests outlined in the NPPF.

The north and south elevation North elevation (left) and south elevation (right)

- 3.5.21 The proposed re-positioning of the rooflights and increase in size will not be unduly harmful to the character and appearance of the proposed dwelling and the revised placing on the south facing roofslope will appear as a visual improvement given they are more uniform, thereby not detracting from the appearance of this traditional farm building



3.5.22 Impact to the setting of Listed Buildings

- 3.5.23 Policy 39 requires development “*with the potential to affect any designated or non-designated heritage asset, either directly or indirectly including by reference to their setting*” to “*sustain or enhance the significance of the asset*” which is in line with Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990.

- 3.5.24 Nos. 2 and 4 Hob Lane are Grade II Listed Buildings with the remaining dwellings, Nos. 4, 6 and 10 being regarded as non-designated heritage assets. Likewise, the barns to the rear of the former Hare and Hounds Inn (473 & 475 Blackburn Road), are considered to be a non-designated heritage asset, recorded on the Lancashire Historic Environment Record.

- 3.5.25 Whilst it is acknowledged that these barns were historically part of Hob Lane Farm (nos 1 and 2 Hob Lane was the farmhouse) and, the barns form part of the visual setting to the two listed cottages, and the other non-designated cottages adjoining on Hob Lane, the alterations will largely be unseen in the context of the Listed Buildings. As such, the proposals will not result in any harm to No.2 and 4 Hob Lane Farm and the re-positioning of the rooflights on the south facing roofslope will result in an enhancement to the setting of the listed buildings over and above the proposals approved.

3.5.26 The proposed alterations are considered to meet the statutory test 'to preserve' as no harm would be caused to the significance of the adjacent Listed Buildings. Therefore, no balancing exercise is required as per NPPF P.202, as such the proposal meets the objectives of Chapter 16 of the NPPF.

3.5.24 Given the history of the site and this end of the village, the application to which this variation is sought had a condition imposed requiring a scheme of archaeological recording. The applicants have done this recording following submission of a satisfactory Historic Building Recording; Reference: EH048/03 (Version 1.1) under Discharge of Condition application 10/21/0446, and thus the original condition has been fully discharged. There is thus no need to re-impose that condition.

4.0 CONCLUSION

4.1.1 Taking into account the above, the granting of the development does not result in any significant harm to the amenity of neighbouring residents nor will it cause any detrimental impact to the character and appearance of the proposed dwelling or the surrounding area.

4.1.2 The proposed variation to the wording of some of the conditions is also considered to be acceptable and reasonable.

4.1.3 Members should note that many of the conditions imposed on the parent application have either discharged in part or in full by virtue of the Discharge of Conditions applications 10/21/0112 and 10/21/0446. The originally imposed conditions have therefore been amended to reflect this and deleted where relevant.

5.0 RECOMMENDATION

5.1 The proposed amendments relating to the change of use of the two barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works approved by application 10/20/0996, is **recommended to Members for approval** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (10/20/0996) i.e. 21st January 2021.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding any description of materials in the application and the requirements of condition No.20 of this approval, no development involving the installation or replacement of the building's roof or exterior walls (should these be any different to those approved by application 10/21/0446) shall take place until samples or full details of all materials to be used on the external surfaces of 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. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: To ensure use of appropriate materials which are sympathetic to the character of the barns, surrounding buildings and the street scene in the interests of visual amenity and in accordance with the requirements of Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document and Conversion of Buildings in the Countryside Supplementary Planning Guidance.

3. The development shall be carried out in accordance with the Construction Method Statement approved under application 10/21/0112 which contained the following information received on the 19 April 2021:
 - Site Plan – 1:200 Scale – Drawing showing site management
 - Construction Method Statement updated 19.04.2021
 - Heras Fencing with clear tarpaulin; and,
 - ACS Email showing the container within the Root Protection Area of T6 of the Edgworth No. 2 Tree Preservation Order 1991, as amended. The approved Statement shall be adhered to throughout the construction period.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the neighbouring properties, in order to protect the visual amenities of the locality, in order to ensure highway safety, and to comply with Policies 8, 10, and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

4. The developer shall install at least one of the electric vehicle charging points demonstrated on the site plan with a Type 2 connector and minimum rating of 3.7kW 16A.

REASON: In accordance with Paragraph 110 of the National Planning Policy Framework 2019 and Policy 9 of the Local Plan Part 2, the NPPF stating that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The condition also implements the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

5. Any gas fired boiler installed at the development to heat the dwelling shall not emit more than 40mg NO_x/kWh.

REASON: In accordance with Policy 9 of the Local Plan Part 2 and the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

6. The findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Prior to occupation of the dwelling hereby approved, the developer must submit two copies of a comprehensive validation report to the Local Planning Authority for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the Local Planning Authority periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

8. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

9. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. The developer is to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The scheme is to be implemented in accordance with the surface water drainage hierarchy outlined above.

REASON: In order to facilitate sustainable development in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Best practice guidance indicates that the results of bat surveys are only valid for a limited period (1 - 2 years) as the suitability of structures for bats can alter over time. If demolition has not occurred by March 2021 then an updated bat survey is to be submitted prior to the commencement of any work on site, including 2 activity surveys during the maternity season. The update survey should include the details of any additional mitigation over and above what has already been provided. The additional details should subsequently be implemented.

REASON: To ensure that the impact on protected species and their habitats is addressed in accordance with current legislation and in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

11. All birds are protected whilst nesting (Wildlife & Countryside Act 1981) and commencement of work should avoid the breeding season (April - August inclusive) as recommended in the submitted Bat, Barn Owl and Nesting Bird Survey Report.

REASON: To ensure that the impact on protected species and their habitats is addressed in accordance with current legislation and in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Given the high suitability of the site for roost presence, a demolition/working construction methodology is proposed in the 'Bat Presence Survey' Report (Braithwaite High Access Services Ltd). Sections 6.4 (Mitigation) and 6.7 (Enhancement) are to be implemented in full.

REASON: To ensure that the impact on protected species and their habitats is addressed in accordance with current legislation and in

accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Sections 4.1.4 and 4.1.5 of The Protected Species Survey April 2020 (Dunelm Ecology) provide the outline of options for mitigation and how the conversion works could be undertaken. The mitigation specified in Sections 4.1.4 and 4.1.5 are to be implemented in full.
14. The bat box installed on the Tree in the field to the west of the barns shall remain in perpetuity and the details submitted concerning the Owl Box within the roof void contained within your email to Greater Manchester Ecology Unit on the 02 June 2021 relating to application 10/21/0446 shall be implemented in full prior to occupation of the dwelling hereby approved.
15. Both Owl Boxes shall remain in their respective positions in perpetuity.

REASON: To ensure that the impact on protected species and their habitats is mitigated in accordance with current legislation, Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

16. Notwithstanding any details contained within the application, a scheme for the installation of any external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.

REASON: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Policies 8, 11 and 41 of the Blackburn with Darwen Local Plan Part 2.

17. There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:
Monday to Friday 08:00 – 18:00 hours
Saturday 09:00 - 13:00 hours
Any variation of the above hours restriction must be approved in writing by the Planning Authority.

REASON: To ensure appropriate hours of site work to minimise noise during the construction phase in accordance with Policy 9 of the Local Plan Part 2.

18. Notwithstanding the provisions of Article 3 , Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no development of the type specified in Classes A, B, C, D, E and F of Part 1 of that Schedule and Classes A and B of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policies 8 and 41 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework

19. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan

Drawing No. 2235.01.252 Rev P2 – Proposed Site Plan; Drawing No. 2235.01.302 Rev P13 – Proposed Ground and First Floor Plan; Drawing No. 2235.01.303 Rev P13 – Proposed Second Floor and Roof Plan; Drawing No. 2235.01.402 Rev P14 – Proposed Elevations – Received 21st July 2021

REASON: For the avoidance of doubt and to clarify which plans are relevant to the permission.

6.0 PLANNING HISTORY

- 6.1 10/21/0446 – Discharge of Conditions Application for Discharge of Condition Nos 2 (samples of external materials); 15 (details of new Owl breeding location); 16 (External lighting scheme) and 17 Written Scheme of Investigation -2nd part) pursuant to planning application 10/20/0996.

Decision:

Condition 2 partly discharged

Condition 15 discharged

Condition 16 not discharged
Condition 17 discharged

- 6.2 10/21/0112 - Discharge of Condition No 3 (Construction Method Statement) and part discharge of Condition No17 (Written Scheme of Investigation – first part) pursuant to planning application 10/20//0996. Discharged
- 6.3 10/20/0996 - Full Planning Application for Change of use of 2 x barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works. Approved by Planning and Highways Committee on 21st January 2021.
- 6.4 10/20/0254 - Conversion of existing barns to new single family dwelling including internal alterations and extensions. Application withdrawn 17th April 2021.

7.0 CONSULTATIONS

- 7.1 6 neighbouring properties were consulted by letter and 3 letters of objection was received. The comments are summarised below:
 - 7. Restrictive covenants requiring fitting obscure glass to the northern and eastern elevations above ground level.
 - 8. Installation of fence at rear of No. 2-10 Hob Lane generated sense of isolation as now have no views from kitchen and does not create a satisfactory level of amenity.
 - 9. Access, loss of light and nuisance issues
 - 7.2 North Turton Parish Council have also raised objections to the application on the following grounds:
 - 10. Allow the submission of details of materials and lighting after work is complete, as clarity is needed before the work commences to ensure the suitability of the scheme.
 - 11. To reposition window openings to the western elevation, in view of its proximity to listed dwellings on Hob Lane
 - 7.3 These representations have been addressed in the report.
 - 7.4 These objections are shown below in the summary of representations section.
- 8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer**
- 9.0 DATE PREPARED: 04 August 2021**

10.0 SUMMARY OF REPRESENTATIONS

Objection – Paul & Lyndsay Saunders, 8 Hob Lane, Edgworth. Rec – 26/07/2021

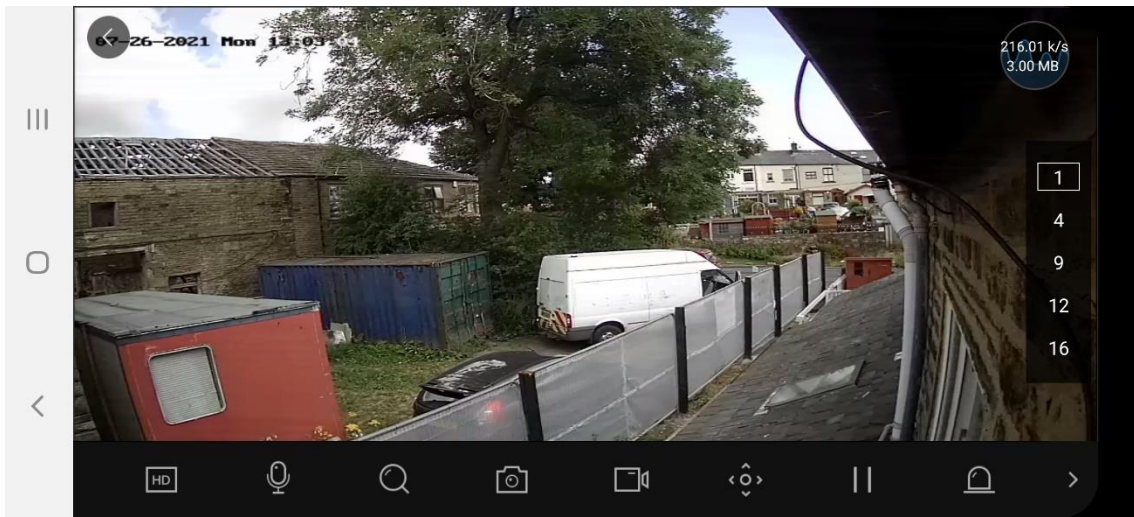
We refer to the above planning application/amendment and set out below our understanding regarding the restrictive/legally binding covenants.

Restrictive covenants are binding conditions that are written into a property's deeds or contract by a seller to determine what a homeowner can or cannot do with their house or land under particular circumstances (such as preventing owners from making alterations to a property). They are designed to uphold certain standards for all residents and are often added to a Transfer Deed in order to prevent owners from undertaking work or other practices which could impact negatively on a neighbourhood.

Mr Carr was obviously aware of the restrictive covenant regarding fitting obscure glass to the northern and eastern elevations above ground level when he purchased the barns from Mr Warner. We understand this is a civil matter between Mr Carr and Mr Warner and only Mr Warner can remove the covenants. If Mr Warner refuses then Mr Carr can apply to the Lands Chamber of the Upper Tribunal to modify or discharge said covenants. It should therefore not be a matter for consideration by the planning department.

Further, Mr Carr states in his planning statement "The amended design promotes a good standard of amenity for us as future occupiers as it will allow an outlook from these rooms and occupiers will receive the evening sunlight. It will provide improved habitability of the space which is a basic need for living space. Keeping with the obscure glazing, which is required by the legally bound covenants, generates a sense of isolation and enclosed space as there are no views out from the family room and does not create a satisfactory level of amenity for us as future occupiers. The ability for us to have clear glazing in our family room will improve the health and wellbeing of us as future occupiers."

However, Mr Carr found it acceptable to place a shipping container in front of the rear access of our property and kitchen windows (image attached) which we had to endure for several months and we had no outlook from this room and received no light. Once the container was moved a Heras fence was installed several inches from the rear of no's 2-10 Hob Lane which has generated a sense of isolation and enclosed space as we now have no views from our kitchen and does not create a satisfactory level of amenity for us as CURRENT occupiers. This has had an impact on our health and wellbeing as CURRENT occupiers and will do for a number of years bearing in mind the slow pace of the renovation.



Objection – Christine Grimwood, 2 Hob Lane, Edgworth. Rec – 27/07/2021

I wish to register my objection to the above planning amendment.

The current owners were fully aware of the restrictive covenants in place at the time of purchase and as this is a civil issue, I am disappointed that the planning

department has not already made the owners aware of their inability to interfere in such matters.

I find it hypocritical of the owners to use reduction of light, loss of views, sense of isolation and enclosed space as an argument to achieve their goal when they have completely disregarded those amenities for the people living in Hob Lane.

Their actions and plans, approved by the planning department, are having a hugely detrimental effect on the physical and mental wellbeing of myself, my family's and neighbours.

If the planning department becomes involved in any way with their attempt to overrule or amend the covenants I would then expect the planning department to properly address the issues we have with regards to access, loss of light and general nuisance caused by these people.

Objection – Nick Grimwood, 2 Hob Lane, Edgworth. Rec – 27/07/2021

With regards to the above planning application I would like to make the following points:

Mr Carr was fully aware of the conditions and restrictions associated with the sale of this property and still proceeded with his purchase.

He is now trying to manipulate the planning department into becoming involved with civil matters that are out of their control. The planning department refused to help us with access issues which they informed us were a civil matter. The planning department are not being consistent and it appears that they are favouring one party over another.

Mr Carr is raising concerns that his and his family's welfare could be compromised if the planning department do not support his requests in amending his planning application but the planning department has refused point blank to even listen to the concerns and wishes of Hob Lane residents.

I would like to ask the planning officers how they would feel if this was their temporary view from their kitchen window, to be replaced by a solid stone wall and what would they have done to prevent this happening and what could they do now to overturn their ridiculous decision.