

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 14/05/2024	Ref: 70627/FUL
Registration: 25/03/2024	LDfC: 30/04/2024	Expiry Date: 20/05/2024
Site Visit: 17/04/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Conversion of first/second/third floors to 1 no. self-contained flat (Class C3)

Location: 71 The Rock, Bury, BL9 0NB

Description

The application relates to an existing four story mid terraced properties which is located within a main pedestrian shopping street in Bury Town Centre.

The ground floor operates as a retail shop with the upper floors currently vacant.

The application sees the conversion of the first/second/third floors to 1 no. self-contained 3 bed flat.

The first floor would comprise living and kitchen areas with the second and third floor utilised as bedroom and storage space.

The residential unit would be accessed via the back street and the rear yard area which serves the property.

Bins would be located in the rear area and shared with the ground floor retail shop.

Relevant Planning History

43484 - Goods lift shaft to rear - Approve with Conditions 10/11/2004

Publicity

Letters sent to 43 properties on 8/4/24.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No response received.

Environmental Health - Pollution Control - No comments to make

Waste Management - No response received

Pre-start Conditions - Applicant/Agent - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
TC2/1	Upper Floors
JP-C2	Digital Connectivity

JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
EN7/2	Noise Pollution

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

Principle

Policy TC2/1 - Upper floors supports proposals to bring underused and vacant space on upper floors of premises into beneficial use within town centres.

The building is within a highly sustainable location, with existing infrastructure in place to support the scale of the development.

The ground floor would remain in commercial use and therefore continue to contribute to the shopping role of the town centre.

As such, the proposed development would accord with the NPPF and development plan policies of the UDP and PfE.

Layout

Policy JP-H4 - Density, requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 120 dwellings per hectare at this site.

The development proposes one unit. However, as a 3 bed flat, the proposal would provide a generous amount of accommodation within a sustainable setting. Whilst it would not be fully compliant with the requirement of JP-H3, for dwellings to be accessible and adaptable, the proposal would meet the criteria for meeting nationally prescribed space standards and as such the development is considered acceptable given the particular circumstances and setting of the property.

The proposed flat would be accessed via the back street which is used for the servicing of the shops and businesses on the row and by the occupiers of the other units which are located at the upper floors of the premises on this row and is therefore considered acceptable within the town centre location.

There would be no external changes and existing window openings and the front dormer would provide adequate levels of lighting for the habitable rooms.

It is therefore considered the proposed development would be acceptable and comply with policies S2/3, H2/1, H2/2 and JP-H3.

Residential amenity

The proposed development for a residential unit would introduce a use which is commonplace in town centre locations and one which would not significantly effect adjacent occupiers.

In terms of the future residents of the flat, there would be a certain amount of noise and activity but this would be expected for a town centre location.

The Environmental Health Pollution Control Section have raised no concerns regarding the proposed development.

As such, the proposed development is considered acceptable and would comply with H2/1 and EN1/2.

Bin storage

There is a rear yard area which would provide shared bin storage areas sufficient to serve both the retail and residential unit.

Carbon and energy

JP-S2 - An energy statement has been submitted to state that measures will be

incorporated to include the use of recycled materials and upgrade insulation to BR standards and install condenser boilers.

As such the development would accord with this policy.

Digital connectivity

JP-C2 - Digital connectivity - The development will have full fibre connection built into the premises to ensure high speed digital connectivity to the infrastructure.

As such, the development would accord with this policy.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -
Existing and proposed plans RAD/3028/24/1
Carbon and Energy statement and Digital Connectivity statement by RAD
and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The in-curtilage bin storage arrangements indicated on the approved plans shall be implemented before the use hereby approved commences and thereafter be maintained available for use at all times.
Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development.
- 4 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, none of the flats hereby approved shall be used for any other purpose other than a Class C3 use (including any other purpose in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended) without the submission and approval of a relevant planning application.
Reason. In the interests of residential amenity, to safeguard the character of the area and to secure the appropriate scale and intensification of use of the development for the site pursuant to policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and JP-H3 - Type, Size and Design of New housing.
- 5 The development hereby approved shall incorporate soundproofing of the floor/ceiling between
the ground floor commercial use and first floors flat which shall be in accordance

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with standards of construction specified in current Building Regulations.

Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities to protect the residential amenities of the future occupiers of the flat pursuant to UDP Policy EN7/2 Noise Pollution.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	14/5/24		