

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 29/03/2022	Ref: 67503/FUL
Registration: 24/11/2021	LDFC: 29/12/2021	Expiry Date: 23/02/2022
Site Visit: 17/12/2021	Site Notice: 17/12/2021	Press Date: 09/12/2021
Objections: 0	Con Area: BURY	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MADW

Proposal: Change of use from offices to 9 no. apartments at 1st floor to 4th floor levels; Ground floor to be retained as existing office use; external alterations

Location: 5-9 The Rock, Bury, BL9 0YB

Description

The site relates to a 5 storey building which is located on main pedestrianised shopping street within Bury Town Centre and the Conservation Area.

The building is currently used as commercial at ground floor with offices above and is located within a similar row of other buildings which are businesses or shops at ground floor with either offices/commercial use, storage or residential above. This part of the row of buildings is serviced at the rear from North Back Rock. Beyond the rear boundary is a high stone wall, beyond which is land associated with the Rectory.

The building is a designated heritage asset and on the Council's draft local List.

The building is ashlar-fronted with a unified appearance to the first and second floors. The left side of the building is three storeys high with a break-through gable and the right side is five storeys high and topped by crenellations on the front elevation, giving this side of the building the appearance of a tower.

The application seeks the change of use from offices to 9 no apartments and external alterations.

A new entrance would be formed from the front elevation and this would lead to a staircase and the upper floors which would comprise 6 x 1 no. bed and 3 x 3 no. bed.

A bin store and cycle store area would be provided towards the rear of the ground floor, accessible to the occupiers of the flats only. There would be an escape staircase and access from the rear of the property.

Externally, there would be minimal alterations to the front elevation, comprising 3 small windows to the top floor and 2 roof lights, and on the side elevation small windows at the lower part of the build would be inserted.

The majority of new openings would be located on the rear elevation and these would serve new habitable room windows.

The ground floor would remain as a commercial use and have a separate access.

Relevant Planning History

56270 - Alterations to front elevation including respray of existing fascia and ground floor windows/doors - Approve with Conditions 17/06/2013

58000 - Installation of Automated Teller Machine (resubmission) - Approve with Conditions 24/10/2014

58001 - Internally illuminated fascia sign (resubmission) - Approve with Conditions 24/10/2014

DELEGATED REPORT

64390 - External security shutter to ground floor entrance - Approve with Conditions
29/08/2019

65748 - 1no. internally static illuminated fascia, 1no. internally static illuminated projecting sign, 1no. non-illuminated opening hours acrylic panel, 1no. non-illuminated frosted vinyl manifestation 1no. non-illuminated letter box surround 1no. non-illuminated night safe header 1no. non-illuminated ATM header - Approve with Conditions 08/09/2020

Publicity

Letters sent on 13/12/21 to 45 adjacent properties.

Site notice posted 17/12/21

Press advert 9/12/21

No response received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions

Greater Manchester Police - designforsecurity - No response received.

Conservation Officer - No objection

United Utilities (Water and waste) - No objection

Borough Engineer - Drainage Section - No response received

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)

- No objection and advise the installation of sprinklers to each unit.

Waste management - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC5	Offices
EC5/1	Office Development in Bury Town Centre
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN7/2	Noise Pollution
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
TC2/1	Upper Floors
TC2/2	Mixed Use Development
Area	Central Shopping Area
BY6	
HT5/1	Access For Those with Special Needs

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

Policies

Chapter 7 of the NPPF - Ensuring the vitality of town centres recognises town centres as the heart of communities and supports proposals to ensure their vitality and viability. It advocates a mix of uses are important to meet the needs and functions of a town centre, which includes residential uses.

Bury UDP Policies S1/1 - Shopping in Bury Town centres and S2/3 - Secondary Shopping Areas and Frontages seeks to encourage and enhance the vitality and viability of the town centre and to maintain and provide display a mix of commercial uses, and maintaining a display or open ground floor frontage.

Policy TC2/1 - Upper Floors - Proposals will be supported which bring underused and vacant space on upper floors of premises into beneficial use, and a range of uses such as offices and living accommodation will be encouraged which will contribute to the overall vitality of town centres and help to retain and improve their liveliness and attractiveness. Utilisation of this type of accommodation will also result in proper maintenance and repair of the building fabric, which is particularly important in conservation areas and for individual listed buildings.

Policy TC2/2 - Mixed Use Development seeks to encourage and support compatible mixed

use development which would enhance the vitality and viability of town centres by encouraging diversity and variety.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of development on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

UDP Policy H2/4 - Conversions and Supplementary Planning Document 15 - Residential Conversions recognises that applications for conversions can often make an important contribution to the local housing stock, and often the best way to utilise vacant or underused space. Regard will be had to the following factors which include the effect on amenity of the neighbouring property through noise, visual intrusion, position of entrances, impact of parking areas, extensions and fire escapes; general character of the area; amenity of occupants; effect on the street scene of any external alterations; car parking and servicing requirements.

The NPPF and Bury UDP Policies EN2/1, EN2/2 and EN2/3 Conservation policies, seek to support development for the reuse of derelict or vacant buildings, providing it would continue preserve and enhance areas of special character and buildings of historic importance.

Principle - The proposed use would redevelop the upper floors of a vacant building by introducing a residential use which would support the vitality and viability of the town centre and would also ensure secure the longevity of the building within the town centre and conservation area.

The building is within a highly sustainable location, with existing infrastructure in place to support the scale of the development and would also contribute to meeting local housing needs in the Borough.

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

As such, the principle of the change of use would be in general accordance with national and local planning policy and would be in compliance with the NPPF and Bury UDP policies.

Layout - A separate level entrance would be provided to the flats on the front elevation of the building and as such would not interfere with access to the ground floor unit. This would lead to a secured internal lobby and hallway, with provision towards the rear for the storage of 13 cycles and bins.

The flats would be located on the upper floors (4 floors in total) to deliver 9 no flats comprising 6 x 1 bed and 3 x 3 bed.

There would be no provision for amenity space as the building accommodates all of the site footprint, but there are public open spaces nearby, and this is not an unusual arrangement for residential accommodation within a town centre location.

Similarly, there would be no dedicated parking for the property and proposed use. Being within a highly sustainable town centre location within walking distance to shops, services,

facilities and public transport, this is considered acceptable.

It is noted that whilst a new level entrance to the building would be created, the scheme does not propose to incorporate a lift within the apartment block to facilitate occupation by those who may have a physical disability. The applicant has confirmed they have sought Building Regulation advice on this matter and state that a lift is not required for schemes which involve the conversion of a building, the regulations relating to new builds only. It would be the responsibility of the applicant to ensure the conversion works were building regs compliant.

It is therefore considered the proposed use for residential purposes would be acceptable and comply with UDP policies H1/2, H2/1 and H2/2.

Appearance - On the front elevation, alterations would be relatively minimal, comprising the new entrance door, 3 small openings on the top floor and 2 roof lights. Similarly alterations would be minor on the side elevation where 5 new openings would be created.

The main scope of alterations would be on the rear of the building, where 10 openings to habitable rooms would be formed, along with smaller openings at the ground floor to provide some light to the rear staircase and fire escape.

In terms of design, the openings themselves would emulate the style of the windows on the frontage and as such would retain the character and architectural style of the building within the Conservation Area.

In terms of design and appearance, it is therefore considered the proposed development would be acceptable and comply with EN1/2, H2/1 and H2/4.

Heritage

Policies 194 and 195 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Policy 197 of the NPPF sets out the principles guiding the determination of applications for consent relating to heritage assets. This should take account of the desirability of sustaining and enhancing significance, the positive contribution that conservation of heritage assets can make to the establishment of sustainable communities and economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

A Heritage Statement has been submitted with the application which describes the significance of the NDHA and the impact of the proposals on the significance of the building within the Conservation Area.

The report concludes that whilst there would be a minor harm to both the non-designated heritage asset and the conservation area, there would be significant public benefits which would outweigh harm caused. The report is considered proportionate to the asset's importance, significance and in relation to the development proposed.

It is considered that the proposed development would therefore not harm the significance or character of the NDHA or the conservation area and would comply with the principles of the NPPF.

Residential amenity - The premises are located on the edge of a pedestrianised part of the town centre, broadly characterised by a mix of shops, which tend to open during the daytime. Further to the west is what is known as the Cultural Quarter of the borough, more characterised by bars, restaurants and pubs.

Being located within a town centre, residential occupiers of town centre accommodation should expect a certain amount of noise and activity in the evenings and at night time. There are other residential units which are located above commercial premises in the town centre, and this would be no different in terms of the character of the development.

In the interests of the amenity of future occupiers, a condition would be recommended that soundproofing be incorporated as part of the refurbishment scheme to protect both the occupants of the commercial development at ground floor and flats above.

In terms of impact on adjacent occupiers, the building is flanked by two similar builds which comprise commercial at ground floor and offices/storage/residential above, and given the town centre location, it is considered there would not be a significant impact on adjacent occupiers.

There would be new windows inserted on the rear elevation and some windows on the western side.

The windows on the side elevation would overlook the rear yard of No 3. However, this is not a large or usable amenity space and as such impacts on privacy considered not to be significant.

At the rear, there is land associated with Rectory to the north. There is a high stone boundary wall and trees along this boundary on the rectory land. The site would overlook the land at the south western corner furthest away from the Rectory and as such it is considered overlooking this land would not cause significant harm to the occupiers of the Rectory.

It is therefore considered the proposed development would be acceptable and comply with H2/1, H2/2 and H2/4.

Highways - There is currently no allocated parking for the building or its existing uses and none is proposed as part of the application.

The site is located within the town centre and in a highly sustainable location, within easy walking distance of shops, eateries and entertainment and the central bus and Metro Link. It is also generally expected that town centre living would not necessarily or automatically provide parking, and any future occupiers would be aware of this fact before taking up residence.

The Highway's Section have raised no objection to the proposed scheme and as such the development is considered to comply with the NPPF.

Fire - 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.

The Fire Service advice would be included as an informative to the applicant

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental

conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -
Location plan 9694/001 rev A; Existing and proposed site plans 9694/110 rev F; Existing and proposed G/F-2/F plans 9694/111 rev H; Existing and proposed 3/F-Roof plans 9694/112 rev D; Existing and proposed front and side elevations 9694/121 rev H; Existing and proposed rear and side elevations 9694/122 rev C 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 development hereby approved shall incorporate soundproofing of the floor/ceiling between each level of flats and between the ground floor and first floors flats, and the party walls to both sides of the building, which shall be in accordance with standards of construction specified in current Building Regulations, shall be completed before the development is brought into use.
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.
- 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 H2/4 - Conversions.
- 5 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 6 The pedestrian access alterations indicated on the approved plans, incorporating a level 'Apartments Primary Entrance' onto The Rock and doors that do not open out into any of the adjacent adopted highways, shall be implemented before the use hereby approved commences and thereafter maintained.
Reason. To secure the satisfactory development of the site in terms of highway safety and disabled access pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, H2/4 - Conversions and HT5/1 -

DELEGATED REPORT

Access for Those with Special Needs.

- 7 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 and H2/4 - Conversions.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	29/3/22		