

DELEGATED REPORT

Report by Helen Leach	Date of report: 09/11/2021	Ref: 66109/FUL
Registration: 22/10/2020	LDFC: 08/11/2021	Expiry Date: 17/12/2020
Site Visit: 16/12/2020	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIRD

Proposal: Two/single storey extension at side to form retail at ground floor and 1 no. additional apartment to first floor with new access at side

Location: 136 Stand Lane, Radcliffe, Manchester, M26 1GS

Description

The site is a former public house, which has been closed since 2013. The building is two storeys with a single storey outrigger at the rear, which extends almost to the boundary. The building is constructed from red brick with a tile roof and is located centrally within the site. There is vehicular access from the north from Stand Lane and there was vehicular access from the south until the previous owners erected a wall across the entrance.

There are commercial properties to the north west and north east and there are residential properties to all other boundaries.

The proposed development involves a two/single storey side extension and the change of use of the former public house to retail (Use class E) at ground floor level and an additional apartment above.

The proposed extension would be located to the north east of the existing building. The proposed two storey extension would be at the front and single storey at the rear. The area to the north west of the building would be used as a car park providing 5 spaces and a bin store.

Relevant Planning History

61828 - Change of use from public house (Class A4) to veterinary surgery (Class D1); Alterations to external elevations, demolition of existing cellar area and resurfacing to form access and car parking at 136 Stand Lane, Radcliffe. Approved with conditions - 22 November 2017.

59287 - Change of Use of 1st floor to residential (3 no. apartments); Alterations to access at front & side and rear (Ramp, steps and handrails); New parking arrangements; New Shop front (Resubmission of 58806) at 136 Stand Lane, Radcliffe. Approved with conditions - 3 November 2015

58806 - Change of Use of 1st floor to residential (4 apartments); 2 storey extension at rear; Alterations to access at front and side (Ramp, steps and handrails); New parking arrangements; New Shop front at 136 Stand Lane, Radcliffe. Approved with conditions - 21 August 2015

56132 - Outline Application for the demolition of existing public house 'The Swan Hotel'; Erection of 3 no mews style dwellings at 136 Stand Lane, Radcliffe. Approved with conditions - 7 May 2013

Publicity

The neighbouring properties were notified on 29 October 2020.

1 letter has been received from the occupiers of 134 Outwood Road, which has raised the following issues:

- My belief is that the extended building will be making use of an unadopted street that does not belong to the applicant.
- I would like clarity on the law behind appropriating unadopted streets to be clarified at the planning committee stage.

The neighbouring properties were notified of the revised plans on 28 October 2021.
There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access alterations, turning facilities and bin storage.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Pollution Control - No objections, subject to the inclusion of conditions relating to acoustic insulation.

Environmental Health - Commercial Section - No response.

Waste Management - No response.

United Utilities - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/8	Shop Fronts
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S2/1	All New Retail Proposals: Assessment Criteria
S2/5	New Local Shopping Provision
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
NPPF	National Planning Policy Framework

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.

Principle (Retail) - Policy S2/1, which states that the Council will support new retail development which accord with the following:

- are within or immediately adjoining the main shopping area of existing centres;
- sustain or enhance the vitality or viability of a centre;
- are accessible by and would encourage greater use by public transport;
- are in conformity with other policies and proposals of the Plan

In addition, where a proposal would lead to more than 40% of the frontage being in non-retail use, the Council will take into account the following factors:

- the location and prominence of the proposal within the frontage;
- the number, distribution and proximity of other premises in non-retail use;
- the particular nature and character of the use proposed, including the level of activity associated with it.

The proposed development involves the change of use from a public house (sui generis) to a retail unit on the ground floor and the site is located outside of a shopping centre. However, the proposed development would be within *** metres of the town centre boundary. The previous use of the building was as a public house, but has been vacant for

a lengthy period of time. Given its former use as a public house with accommodation above together with the lengthy vacancy period, the proposed mixed use development, with retail on the ground floor and residential above, is welcomed as it would bring the building back into productive use within the locality. Therefore, the proposed development would not have an adverse impact upon the vitality and viability of the town centre and would be in accordance with Policies S2/1 of the Bury Unitary Development Plan.

Principle (Residential) - The National Planning Policy Framework should be treated as a significant material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore this needs to be treated as a material factor when determining applications for residential development.

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.

The proposed development is located within the urban area and is surrounded by residential properties. As such, the proposed development would not conflict with the surrounding land uses. Appropriate infrastructure would be available and as such, the proposed development would be acceptable in principle. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would involve a single and two storey side extension. The proposed two storey extension has picked up on the detailing from the existing building and the large windows on the ground floor would be retained on the original building and replicated on the proposed extension. The existing pillars would be replicated on the proposed extension and the use of brick banding would add visual interest to the elevations. The proposed extension would be constructed from brick with a slate roof and a natural stone capping to match the existing building. As such, the proposed development would not be a prominent feature in the streetscene.

Level access would be provided via a ramped access within the proposed extension and as such, the proposed development would be accessible. A timber fenced refuse area would be provided and would be large enough for use by the two apartments and the retail unit. Therefore, the proposed development would not be a prominent feature in the streetscene

and would be in accordance with Policies EN1/2 and HT5/1 of the Bury Unitary Development Plan.

Impact upon residential amenity - There are no adopted aspect standards for new build residential properties. However, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

All of the habitable room windows for the proposed apartments would be on the front elevation. There would be 39 metres between the proposed development and Nos 14/16 King Street, which would be in excess of the 20 metre aspect standard.

There would be two habitable windows located in the existing two storey outrigger. One window would overlook the proposed single storey extension and there would be 8 metres between the window and the boundary of the site. The second window would overlook the car park and there would be 18.9 metres between the window and the boundary of the site. Both of these distances would be in excess of the 7 metre aspect standard.

The openings in the rear elevation of the proposed two storey extension relate to a corridor and en-suite and as such, are not habitable windows. In any case, there would be over 9 metres to the boundary of the site, which would be in excess of the 7 metre aspect standard.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Noise - The building could be re-used as a public house and other uses without requiring planning permission for a change of use. The building could be open until 11pm or later and the nature of this use could be significantly noisier than the proposed use. As such, it is considered that the proposed development and the reduced opening hours in comparison to the public house use would not cause a noise nuisance to the surrounding properties.

The agent has submitted a sound insulation detail to ensure that the proposed retail use would not cause a noise disturbance to the occupiers of the proposed apartments above. This would be secured via a condition. Therefore, the proposed development would not have a significantly adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN7/1 of the Bury Unitary Development Plan.

Highways issues - The site is currently accessed by two access points on Stand Lane and the proposed development would reduce this to one access point. There would be appropriate levels of visibility and one space for a disabled user. There would be sufficient space to turn in the car park and turning facilities would be provided. The Traffic Section has no objections, subject to the inclusion of conditions relating to access alterations, turning facilities and bin storage. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN2/1 and S2/1 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards would be 1 space per 30 square metres of retail floorspace and 1.5 spaces per 2 bedroom dwelling. This equates to 7 spaces.

The proposed development would provide 5 parking spaces for the proposed development. The site is located in close proximity to the town centre and has good access to public transport. As such, the proposed level of car parking would be acceptable in this instance. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Response to objectors

- An unadopted street belongs to the relevant landowner and all the land required to facilitate the development has been included within the red edge and the appropriate certificate completed.
- The same certificate was completed for the previous application on this site.

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 numbered DA20070.001.1, DA20070.009, DA20070.002.1, DA20070.003.2, DA20070.006.2, DA20070.004.2, DA20070.005.2, DA20070.008.2, DA20070.402, DA20070.401.1 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 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 The external finishing materials for the proposal hereby approved shall be those on the materials plan (reference DA20070.401.1).
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.
- 5 The development hereby approved shall not be occupied unless or until the soundproofing identified on plan reference DA20070.402 has been completed. The levels of acoustic insulation shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations.
Reason. To protect the residential amenity of the occupiers of the proposed apartments pursuant to Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.
- 6 The access and car parking alterations indicated on approved plan reference

DA20070 006 Revision 1, incorporating the reinstatement of the redundant access to adjacent footway levels, demarcation of the limits of the adopted highway, provision of bollards clear of the adopted highway to prevent vehicle encroachment of the footway, 'tarmac driveway and parking area' constructed in a SUDS compliant permeable product and/or measures to prevent the discharge of water onto the adopted highway and all necessary works to the adjacent footway required to reinstate it to its former condition prior to commencement of the development, shall be implemented to the written satisfaction of the Local Planning Authority before the use hereby approved is commenced.

Reason. To ensure good highway design in the interests of pedestrian and road safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

- 7 The car parking, turning facilities and bin storage arrangements indicated on approved plan reference DA20070 006 Revision 1 shall be provided prior to the development hereby approved being brought into use/first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To ensure adequate off street car parking and to minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 8 The development hereby approved shall not be brought into use/first occupied unless and until the bin storage arrangements indicated on approved plan reference DA20070 006 Revision 1 have been implemented to the satisfaction of the Local Planning Authority and thereafter maintained available for use at all times

Reason. To ensure adequate bin storage arrangements are provided within the curtilage of the site in the interest of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 09/11/2021		DM	09/11/2021