

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 26/05/2023	Ref: 69466/FUL
Registration: 16/03/2023	LDFC: 20/04/2023	Expiry Date: 11/05/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of two storey building with retail unit at ground floor and 3 no. apartments at first floor with associated parking and landscaping.

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

Description

The site was formally occupied by a public house which is understood to have been vacant since 2013. Since then, the building had progressively fallen into disrepair and a dilapidated state, to the point that the building had become unsafe. Engineers recommended the building be demolished and this was carried out in early 2023 and was subject to a Notice of Intended Demolition under the Building Act 1984. No application was made to the LPA to demolish the building.

The building was located centrally within the site and was a two storey with a single storey outrigger at the rear which extended to the rear boundary. It was constructed from red brick with a tile roof. There are two vehicle access points, one at the northern side of the building and an access on the southern side of the building which had previously been blocked up by a wall.

There are commercial properties to the north west boundary and directly opposite on Stand lane, with residential properties to the south east boundary on Woodvale Road. At the rear are dwellings on Lawndale Close which are elevated above the site by one storey.

The application seeks the erection of a two storey building with a retail unit at ground floor and 3 no. apartments at first floor with associated parking and landscaping.

The proposed building would be positioned adjacent to the south east boundary and the back edge of the footway extend approx 19.4m across the site. The building would extend the full depth of the site at ground floor and would provide 154 sqm of retail floorspace with associated store and staff facilities and a central entrance with full length shop display windows either side.

The 1st floor would be set back from the rear boundary to Nos 2 and 4 Lawndale Close by approx 3.4m with the remaining roof space used as a balcony to one of the flats. The 3 no. flats would be at the first floor accessed by an entrance on the eastern side.

The access would be from the northern part of the site utilising the existing dropped kerb and site entrance and would lead to 5 no. parking spaces, a cycle store and enclosed refuse area.

The proposed building would be constructed of red brick with a slate roof and natural stone capping which would replicate the appearance of the original building, with a similar central roof feature above the shop entrance. At ground floor there would be a fully glazed shop frontage to the retail element with narrower windows above to the residential flats.

Relevant Planning History

01994/E - Change of use from public house (A4) to veterinary surgery (D1) including alterations to the external elevations and resurfacing of areas at each side to form car parking - Enquiry completed 14/06/2017

56132 - Outline Application for the demolition of existing public house 'The Swan Hotel'; Erection of 3 no mews style dwellings: - Approve with Conditions 07/05/2013

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 - Approve with Conditions 21/08/2015

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) - Approve with Conditions 03/11/2015

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 - Approve with Conditions 22/11/2017

66109 - 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
- Approve with Conditions 09/11/2021

19/0188 - Untidy land/building - 31/07/2019

22/0241 - Untidy land and building - 04/01/2023

Publicity

Letters sent to 29 properties on 29/3/23.

Two objections received with the following issues:

- The applicant refers to the building requiring demolition due to vegetation growth and water damage but when did they purchase the property and why did they not safeguard it to protect the asset and more importantly the public on the adjacent public highway? Google records which they refer to in their planning note shows that in 2008, 2015, 2016 the property was in fair order it was only since 2017 up until the present date that the vegetation started to become severe.
- In terms of the existing property roof level this is stated as 91.150m on Dwg DA20070.1.003. The proposed property roof level is strangely not stated on Dwg DA20070.1.005 but when you review Dwg DA20070.090 the roof level looks to be significantly higher and in contradiction to their planning note which says little change since previous application.
- The proposal would result in additional vehicle movement and parking on Stand Lane, making an already dangerous road (pedestrian fatalities in recent years) even more dangerous. Existing narrowing of the carriageway due to parking affects safety of pedestrians and increases noise and pollution. This would be added to.
- Activity from the proposed retail space (presumably including late evening opening) would result in additional noise, traffic activity, movement of delivery vehicles, use of the bins (which in the plans are located adjacent to residential properties), smell, littering, pollution and potential antisocial behaviour directly impairing quality of life.
- There would be substantial intrusion upon the privacy of occupants of neighbouring properties, especially to the rear. Residents would have direct view into my garden, kitchen and bedrooms from their own windows and flat roof area. Such an area invites further intrusion in the form of outdoor activities such as parties.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Contaminated Land - No objection subject to conditions

Borough Engineer - Drainage Section - No response received.

Environmental Health - Pollution Control - no response received.

United Utilities (Water and waste) - Public sewer crosses the site. Informative to applicant

Waste Management - No response received.

Pre-start Conditions - Agreed

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/8	Shop Fronts
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN5/1	New Development and Flood Risk
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

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.

Policy S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres supports small scale shopping provision with regards to factors including the demand and local need, effect on the viability and vitality of established shopping facilities, availability of alternative vacant premises, potential nuisance to local residents and parking and servicing provision.

The proposed development would involve the creation of a new retail provision at ground floor comprising 154 sqm. Whilst located outside a recognised shopping centre there are other small businesses in the area which serve a local need and which the former public house would have served. Prior to the demolition of the building, a previous consent had been granted for the change of use to a retail shop and as such the principle of development has previously been accepted.

It is considered that the size of retail floorspace and scale of development would be such that the use would serve no more than a local need or passing trade, and would not harm the vitality or viability of Radcliffe Town Centre.

As such, the proposed development is considered to be acceptable and comply with Policies S2/1 and S2/5.

Principle (residential) - The National Planning Policy Framework (NPPF) should be treated as a 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.

Layout - The proposed building would be located adjacent to the southern boundary of the site and would cover just over half the site area. On the northern side would be a car park with 5 spaces and servicing area which would be accessed via the existing dropped kerb which served the pub. A cycle store area at the rear of the car park would be provided for the residential units with cycle stands at the front for users of the retail shop. The bin store facility within the rear yard area would be of sufficient size to serve both components of the development.

The residential use would be accessed by a separate entrance on the front elevation.

Whilst a new development involving new build should be assessed on its own merits, the proposed development would not depart significantly from the previously approved scheme for a side and rear extension to the original pub building which facilitated a mixed development for retail and residential uses, and as such has been accepted 'in-principle'.

Given the position of the building and parking within the site area and use of the existing vehicular access point, it is considered the proposed development would be acceptable within this particular setting and location.

The scale of development in terms of the impacts on residential amenity and the associated level of parking are considered in the report below.

Design and appearance - The proposed building has been designed to largely reflect the public house which originally accommodated the site, and in terms of the height, scale and massing, the proposed building would be similar to the application which approved extensions to the building to facilitate a retail use at ground floor which was granted in 2001.

The proposed build would be 2 storey and constructed of red brick with a natural slate roof and stone capping. At the ground floor there would be large glazed display window openings with a central entrance door above which the centre of the front elevation would

extend past the eaves to create a roof feature similar to that of the original building. At the first floor windows would be narrower to the residential units but positioned so as to form a symmetry along the frontage.

A timber bin store would be located in the yard area and screened from the majority of public views with a cycle store area located at the rear of the site which would not be a highly visible feature.

It is therefore considered the proposed development would be acceptable within the streetscene and comply with EN1/2.

Impact on residential amenity - The residential properties directly to the rear of the site are on Lawndale Close, with Nos 2-8 sharing a boundary. These houses are one storey higher than the site.

The proposed ground floor of the new building would project into the site as far as the rear boundary and the existing retaining wall. It would be located at the lower ground floor level comparative to Nos 2 and 4 at the rear and as such there would be no impacts from this element of the build to these neighbours.

The first floor outrigger to the rear of the proposed building would be on the same level as the ground floor and gardens of Nos 2 and 4. This outrigger would accommodate the residential use and there would be habitable room windows in the rear elevation. Beyond the rear elevation on part of the roof of the lower ground floor would be a balcony which would extend to the shared boundary with Nos 2 and 4.

There would be a distance of approx 3.4m from the rear elevation of the proposed 1st floor outrigger to the rear boundary of the site and 13.8m to the ground floor rear elevation of Nos 2 and 4.

In terms of proximity of the proposed built form, the original pub building had a 1st floor outrigger which extended directly up to the rear boundary of the site with the neighbour. Similarly, a permission for a first floor rear extension to the building to the rear boundary had also been granted. Comparatively, the proximity of the proposed development would be set further away from the neighbours and as such impact from the scale and massing and proximity of the build is considered not to be significant.

In terms of impacts on privacy and overlooking, there would be habitable room windows in the rear elevation of the proposed outrigger which would be 3.4m from the shared boundary. There would be an intervening 1.8m high wall and fence between the balcony and Nos 2 and 4 and at this height the fence would provide a sufficient level of screening to the rear elevation to restrict overlooking from inside the residential unit.

In terms of providing outdoor amenity space on the balcony level with the gardens to Nos 2 and 4, this would be no different than the usual 'garden to garden' relationship between neighbours.

The proposed ground floor would operate as a retail unit and it is considered that noise and disturbance and impacts on the residential amenity of nearby occupiers would not be any more harmful than the previous use as a public house which could have more cause for anti social behaviour later in the evening.

The rear boundaries of Nos 6 and 8 Lawndale Close would be directly adjacent to the parking, bin storage and servicing area, which was also the parking area for the previous public house and as such the proposal would be no worse than existed previously. The existing intervening retaining wall would also screen the majority of this part of the site from the view of these neighbours.

The houses to the south are set side on to the site and there are no habitable room windows in these dwellings of the proposed development which would be affected. On the

northern side there would be habitable room windows to the proposed residential flats which would overlook the car park for the development and the adjacent commercial building and as such would be considered acceptable.

It is therefore considered that the proposed development would not have a significantly harmful impact on the occupiers of the adjacent properties and would comply with H2/1, H2/2, S2/1 and SPD6.

Highways issues - Access to the car park would utilise the existing dropped crossing from Stand Lane and which historically served the former pub use and as such this is considered acceptable.

In terms of parking, 5 spaces including an accessible space would be provided. The applicant has confirmed that these spaces would be solely for the use of the retail unit and would be privately managed and monitored.

SPD11 states that the maximum parking standards would be 1 space per 30 square metres of (non food) retail floorspace which would equate to 5 spaces and as such for this use would be acceptable. There is also on street parking directly in front of the site and nearby.

In terms of the residential use, the site is located on a bus route, close to shops and facilities and Radcliffe town centre and therefore considered to be in a sustainable and accessible area and on this occasion dedicated parking is considered not to be necessary.

There would be a cycle store for the sole use of the residential flats and cycle stands at the front of the retail store for shoppers.

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.

Drainage - United Utilities have identified that UU asset's cross the proposed boundary line onto the site. The applicant has been in contact with UU directly and has obtained the location of the sewer/water main with the intention to apply to close the existing line that comes into the site and insert a new connection in the area of the proposed car park.

A condition to provide a sustainable drainage system will be included on any permission together with an informative to the applicant to seek permission for any new connections/diversions of assets affected.

Response to objections -

- It is not known when the current applicant took ownership of the site. However, the original building and site had been vacant and neglected since 2017 and fallen into a state of disrepair. The building was demolished under a Notice of Intent to demolish under building regulations.
- Whilst the height of the proposed building is not annotated on the proposed plans, measuring off plan it would be approx 1m higher than the original building. In terms of the location of the building in the streetscape and impacts of the built development on residential amenity, the proposed development has been assessed against UDP Policies EN1/2 and SPD6 and considered to comply with adopted policy.
- All other issues have been covered in the above report.

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 Project no - DA20070.1 - Site - Location and block plan .001; Historic GA plans; Historic elevations and section 003; Proposed GA plans .004; Proposed elevations and Section 005 rev 1; Proposed landscape plan 006; 3D views 090 and 091. 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 No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 Prior to occupation the applicant shall provide a minimum 20% EV chargepoints (minimum 7kW*) (for unallocated parking).

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

- 6 The development hereby approved shall be carried out in accordance with a Sustainable Urban Drainage Scheme and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. The drainage scheme shall be implemented prior to first occupation and thereafter maintained.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 7 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off-highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 and HT6/21.

- 8 The access and car parking alterations indicated on approved plan reference DA20070.1. 006, 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 before the use hereby approved is commenced.

Reason. To ensure good highway design in the interests of pedestrian and road safety pursuant to Bury Unitary Development Plan Policies EN1/2, EN5/1, HT2/4 and HT6/2.

- 9 The car parking, turning facilities and bin storage arrangements indicated on approved plan reference DA20070.1. 006 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 minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies EN1/2, HT2/1, S2/1 and HT2/4.

- 10 The rear boundary wall/fence shown on approved plan DA20070.1.005 rev 1 shall be implemented and be available for use as per the approved particulars prior to the first occupation/use of the development hereby approved and shall thereafter be maintained.

Reason. To protect the amenity of the adjacent neighbours pursuant to Bury Unitary Development Plan Policies H2/1, H2/2 and SPD6.

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- 11 A scheme to soundproof the floor/ceiling between the ground floor and the first floor flats, and between the walls of the adjoining flats shall be implemented in accordance with standards of construction specified in current Building Regulations and shall be completed before the development is brought into use.
Reason. To protect the residential amenities of the future occupiers of the flats pursuant to UDP Policy EN7/2 Noise Pollution.
- 12 Prior to any above ground works, details/samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used for the construction of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.
- 13 The refuse storage facilities indicated on the approved plans shall be implemented and made available for use prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.

Reason - In order to ensue that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and pursuant to the following Unitary Development Plan Policies:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	26/5/23	DM	26/5/23