

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 26/08/2022	Ref: 68594/FUL
Registration: 01/08/2022	LDFC: 24/08/2022	Expiry Date: 26/09/2022
Site Visit: 12/08/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from residential institution (Class C2) to (Class C3a) to residential dwelling

Location: 227 Walmersley Road, Bury, BL9 5DJ

Description

The site relates to a 2 storey end terraced property which is set fronting a main road and within a predominantly residential area.

The property has a front garden and at the rear is a garden/patio with space to park a car and store bins.

The application seeks change of use from a residential care home to residential dwelling.

The applicant states that the property formally had a planning consent for a change of use from an HMO to a care facility but that the permission had not been implemented due to the works which were required under Building Regulations. It is also stated that the property has been a domestic house since 1996.

It is understood that the property is now to be sold and for legal purposes and to regularise any uncertainty about the lawful use of the building, the applicant was advised apply for planning permission for the change of use from residential home to dwellinghouse, which is the subject of this planing application.

Accommodation comprises basement, living space at ground floor, 3 bedrooms at first floor and a bedroom in the roofspace/dormer.

Relevant Planning History

Change of use from Guest House (No 227) and residential (No 229) to care home (class C2) - Approved 1994

Publicity

Letters sent to 14 properties on Walmersley Road.
No responses received.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

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
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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 - Located within a predominantly residential area and on a row of residential terraced properties, it is considered in land use terms the proposed development would be acceptable.

It is also stated the property has been a dwelling since 1996, and the change of use would

be acceptable by virtue of the passage of time.

It is considered that within the locality, the principle of development would be acceptable.

Layout - The property fronts a main road with a spacious front garden bounded by a dwarf wall.

At the rear is a garden and yard area with space to park a car and store bins and as such it is considered there is an acceptable level of outdoor amenity and parking is provided for the terrace.

There is also on street parking in the area.

The proposed layout would be similar to the other terraced houses and flats on this row and as such considered acceptable.

There are no changes proposed to the external appearance.

The proposed development is therefore considered to comply with H1/2, H2/2 and H2/4.

There are no concerns regarding impact on neighbouring properties.

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 This decision relates to drawings - Red edge location plan received 29/7/22; All floor plans and site plan received 1/8/22 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.

<u>Case Officer</u> JT 26/8/22	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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