

DELEGATED REPORT

Report by Helen Leach	Date of report: 26/11/2020	Ref: 65958/FUL
Registration: 05/10/2020	LDFC: 05/11/2020	Expiry Date: 30/11/2020
Site Visit: 04/11/2020	Site Notice: 09/10/2020	Press Date: 15/10/2020
Objections: 0	Con Area: RAMS	Adv Type: CAAF
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIDW

Proposal: Formation of 1 no. self-contained flat to first floor with installation of new access/entrance door and link bridge at rear

Location: 28 Bolton Street, Ramsbottom, Bury, BL0 9HX

Description

The site comprises a hot food takeaway on the ground floor and the associated flat at first floor, which is located in Ramsbottom Town Centre and the Conservation Area. The premises form part of a row of other shops and businesses in mixed uses and are on the main road to the town and within an allocated Prime Shopping Area and Frontage under UDP Policy S2/2.

There are commercial uses to the north, east and south and the British legion social club to the west.

The proposed development involves the change of use of the first floor to a self contained flat with the installation of a link bridge and new access door at the rear.

Relevant Planning History

65702 - Lawful development certificate for proposed change of elevation to the rear of the property in way of an additional door and window at 28 Bolton Street, Ramsbottom.
Refused - 25 August 2020.

Publicity

The neighbouring properties were notified by means of a letter on 6 October and a press notice was published in the Bury Times on 15 October. Site notices were posted on 9 October 2020.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No response.

Environmental Health - Pollution Control - Concern about noise from flat above a hot food takeaway.

Waste Management - No response.

Conservation Officer - No response.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

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
EN2/1	Character of Conservation Areas

EN2/2	Conservation Area Control
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
TC2/1	Upper Floors
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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 - The National Planning Policy Framework 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. There is a particular emphasis, as in previous national planning guidance, to identify 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 with 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.

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.

Policy TC2/1 states that within town centres, the Council will support proposals which bring underused and vacant space on upper floors of premises into beneficial use.

The site is located within the urban area and is surrounded by commercial premises with residential units above. As such, the proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with good access to public transport and services. The proposed development would bring the upper floors back into beneficial use. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies H1/2 and TC2/1 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would involve the creation of a separate flat above the existing hot food takeaway on Bolton Street, which is located in the Conservation Area.

The proposed external changes include the extension of the existing access bridge to the ground floor of the building to provide a separate entrance for the proposed flat and the existing hot food takeaway. The proposed extension would be similar in appearance and would be located at the rear and would not be a prominent feature in the streetscene. As such, there would be no external change to the building on the front, which would preserve the character of the Conservation Area. Therefore, the proposed development would be in accordance with Policies EN1/2, EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan.

Impact upon residential amenity - The existing window at first floor on the rear elevation currently relates to a bathroom and would be a bedroom. There would be 17 metres between the proposed bedroom window and the British Legion club. Whilst this is below the 20 metres required, it would be no worse than the properties in the row, which also have habitable room windows at first floor level. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Noise - The existing use of the building is a hot food takeaway and a flat above, which is used in conjunction with the hot food takeaway. The proposed development would enable the flat to be used separately from the hot food takeaway. The Pollution Control Section have raised concerns about noise. The proposed use would be very similar to the existing use and any occupier would be aware of the hot food takeaway when deciding to move in.

A condition will be attached to any consent requiring a scheme for sound insulation on the floor between the two uses. Therefore, the proposed development, subject to conditional control, would not have a significant adverse impact upon the amenity in relation to noise. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Highways issues - Vehicles would access the site from the rear of the property on Central Street and pedestrian access would be from the rear across the widened bridge. The proposed development would not provide any off-street parking.

SPD11 states that the maximum number of parking spaces is 1 space per 1 bed dwelling. This equates to a maximum of 1 space for the proposed dwelling.

The proposed development would provide 2 spaces at the rear, which would comply with the maximum standards for the proposed flat and would provide 1 space for use by the existing business at the ground floor.

The site is located within Ramsbottom town centre, where there is good access to services and public transport. As such, the level of parking is acceptable as there is town centre provision. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

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 numbered MW01, MW02, MW03, MW04 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 take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 26/11/2020		HL	27/11/20