

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 29/04/2022	Ref: 68075/FUL
Registration: 11/02/2022	LDfC: 11/03/2022	Expiry Date: 08/04/2022
Site Visit: 25/02/2022	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: MIDW

Proposal: Conversion of Nursery/Creche (Class E) to supported living residential (Class C2) including alterations to the roof to form a new dormer

Location: 125 Walmersley Road, Bury, BL9 5AY

Description

The proposal relates to a large mature two storey building in a slightly elevated position on the west side of Walmersley Road, most recently occupied by a nursery business. It is bounded by a three storey block of flats to the north and Back Walmersley Road West and Regent Street to the west and south, with residential terraced dwellings opposing. The property has hard paved amenity/curtilage and a ramp up to the main entrance with an unenclosed private parking area accessed from Regent Street.

The proposal is for the change of use of nursery/creche (Class E) to supported living residential accommodation (Class C2) including alterations comprising:

- the provision of a flat roof dormer to the rear roof slope, rendering of the south side elevation, removal of the parapet wall to the principal elevation and extension of the roof slope and minor alterations and additions to the fenestration on the rear and side elevations;
- annexation of the curtilage to provide dedicated waste and cycle storage, gardens and access areas;
- Extension of the dropped kerb serving the private parking area.

Internally, the proposal would deliver the provision of 8no. one bedrooms/bedsits with ancillary lounge and kitchen areas at first and second floor and staff office/facilities with 2no. one bed flats with associated lounge and kitchen at ground floor (10 bedrooms in total). The basement would be utilised for storage.

The proposed C2 use would provide a supported living unit as refuge for victims of domestic abuse. There has been no safe such safe accommodation in the borough for victims of domestic abuse for many years and there is a statutory requirement for this type of accommodation in the borough.

Relevant Planning History

66547 - Conversion of existing nursery/creche (Class E(f)) to 7 no. residential apartments with rear dormer and external alterations - Approve with Conditions 08/04/2021

39817: CHANGE OF USE FROM FLATS TO CHILDCARE UNIT; ERECTION OF CANOPY OVER FRONT DOOR; BOUNDARY FENCING; PROVISION OF FIVE CAR PARKING SPACES. Approved 07/11/2002

Publicity

Direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions relating to the extension of the footway crossing, implementation of vehicle parking and cycle storage provision and bin storage.

Environmental Health - Pollution Control: No objection.

Waste Management: No comments received.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B): No comments received.

Greater Manchester Police: No comments received.

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H4/2	Special Needs Housing
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
EN7/2	Noise Pollution
HT6	Pedestrians and Cyclists
HT6/1	Pedestrian and Cyclist Movement
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.

ASSESSMENT

Principle of development

The site is unallocated and falls within a predominantly residential area and adjacent to a main strategic road into Bury town centre, approximately 600m to the south.

Bury Unitary Development Plan (UDP) does not include policies that protect against the loss of community facilities and the NPPF states that decisions should guard against the unnecessary loss of valued facilities and services. It is not considered that the former nursery at the site represents a valued facility in the locality.

UDP Policy H4/2 states that special needs housing will be assessed with regard to location relative to goods and facilities, public transport and community/health care facilities (amongst other considerations).

The site is located along a main strategic road into Bury town centre, approximately 600m to the south, which has a full range of goods/services and facilities. Furthermore, Walmersley Road is well served for public transport, as is Bury town centre.

Thus, the principle of the development at this location is acceptable, subject to consideration of the subsequent matters.

Visual amenity

UDP policy EN1/2 is concerned with the appearance and design of proposals and impacts on street scene.

The property would undergo a 'refresh' and the external alterations in the main would be minor and would have a negligible impact on the appearance of the property. The principal change would concern the proposed rear dormer. This was originally proposed as a full box dormer. However, given the proximity of the cheeks to the gable verge, the sides have been hipped, which would serve to soften the appearance and render it less conspicuous from Walmersley Road. Given that the dormer would be on the rear elevation facing the rear of dwellings to the west, it would not be prominent in the street scene.

Given the above, the proposal would not have any unacceptable impacts upon visual amenity of the street scene. As such the proposal would comply with the above policies.

Access and highway safety

The proposal would maintain and improve the existing off-street parking spaces by extending the footway vehicle crossing and dropped kerb. The Highway Officer finds that the proposal is acceptable.

DC Policy Guidance Note 11 would require a maximum of 4 off-street parking spaces. Four

car parking spaces are already in existence and it would be the intention to continue to utilise these, but with an improved dropped kerb crossing. The site is in a well serviced position in relation to public transport, walking distance to the town centre and local goods and services. There is the potential for cycle storage within the basement area.

Residential Amenity

UDP policy EN7/2 is concerned with the amenity of occupiers and neighbouring property.

The site is located in a residential area, surrounded by residential neighbours across intervening streets, although it is flanked immediately to the north by the three storey block of apartments. Given the arrangement of fenestration at this property and the blank facing elevation to the south and intervening distance to neighbouring dwellings at the west there would be no unacceptable impacts upon neighbouring amenity.

The proposed use would provide residential accommodation to vulnerable people who would be in need of specialist accommodation on a temporary basis and the facility will be staffed and managed. There is likely to be a benefit in terms of reduced activity relative to a nursery.

Given the above, the proposal would comply with the above policy.

Other matters

Waste and recycling storage would be provided in the rear amenity area and would be secured by condition.

The site falls entirely within Flood Zone 1 and is not therefore likely to be at risk of flooding.

Although the site is partially located in a coal mining referral area, given the nature of the proposal, there would be no implications in this regard.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The proposal would deliver much needed specialist accommodation when none presently exists within the borough, in a highly sustainable location and without detriment to the character and appearance of the area, highway safety or residential amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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:

DELEGATED REPORT

- 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 000, 101, 102, 103, 104 P1, 105 P1, 106, 107 P1, 110, 111, 112 P1 and 113 P1 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 formation of the footway crossing extension shown indicatively on approved plan reference 102 P1 and 101 shall be of a width, position and specification to be agreed in writing and thereafter implemented in full to the satisfaction of the Local Planning Authority prior to the use hereby approved being brought into use.
Reason. To secure the satisfactory development of the site in terms of highway safety and maintain the integrity of the adopted highway pursuant to policy H4/2 of the Bury Unitary Development Plan.
- 4 The car parking indicated on approved plans 102 P1 and 101 shall be available for use prior to the use hereby approved commencing and thereafter maintained available for that use at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT4/2 of the Bury Unitary Development Plan.
- 5 The bin storage facilities indicated on approved plan 102 P1 shall be implemented to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained available for use at all times.
Reason. To ensure adequate refuse storage and disposal arrangements are provided within the curtilage of the site pursuant to policy H4/2 of the Bury Unitary Development Plan.
- 6 The external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to policies H4/2 and EN1/2 of the Bury Unitary Development Plan.
- 7 The proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full accordance with the approved details prior to the use hereby approved coming into use.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 of Bury Unitary Development Plan.

<u>Case Officer</u> DSC	<u>Date</u> 29/04/2022	<u>Sign off Officer</u>	<u>Date</u>
----------------------------	---------------------------	-------------------------	-------------