

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 15/08/2022	Ref: 67987/FUL
Registration: 20/04/2022	LDFC: 12/05/2022	Expiry Date: 15/06/2022
Site Visit: 21/04/2022	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: Part change of use of retail unit (Use Class E) to form 3no. flats (Use Class C3) and alterations to external elevations including the installation of cladding and external staircase

Location: 46 Blackburn Street, Radcliffe, Manchester, M26 1NQ

Description

The proposal relates to an end of terrace commercial property that has a three storey flat roofed outrigger at the rear with single storey garage.

The proposal, which is retrospective, is for the part change of use of the commercial unit (Use Class E) to form 3no. one bedroom flats (Use Class C3). The ground floor flat would be at ground floor to the rear of the shop and accessed from a rear yard, the first floor would contain a flat accessed from the rear and the bedroom and bathroom of a flat with kitchen and lounge at the second floor, which would be accessed from an external staircase.

There is no off-street parking and refuse and recycling bins are stored within the rear yard area. A staircase has been installed at the rear which gives access to the second floor flat and the building has had alterations to external elevations including anthracite cladding, windows and render.

The site is located within the secondary shopping frontage in Radcliffe town centre.

The application has been amended to change the internal configuration of the flats and include the external cladding.

Relevant Planning History

N/A

Publicity

The proposal has been advertised by direct neighbour notification. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a conditions relating to bin storage.

Waste Management: No objection.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/4	Conversions

EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
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 of development

The proposed flats would occupy former storage/ancillary areas to the retained shop which is not a protected asset as identified within the Unitary Development Plan or the National Planning Policy Framework (NPPF).

The NPPF 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.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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 site is located within the urban area, and being in Radcliffe town centre is immediately juxtaposed to routes well served by public transport and to facilities, goods and services.

As such, the site is the most sequentially preferable for the release of land for housing being located in a sustainable location. The principle of the development is acceptable, subject to consideration of the subsequent matters.

Visual amenity

The existing building was a traditional shop front that had painted elevations. At the rear is a three storey flat roofed outrigger that is rather anomalous in the street scene. The proposed changes to the external elevation give the property a 'refresh' with the ubiquitous grey over, which is acceptable in this commercial context. The rear steel staircase, being positioned in the rear yard and partially obscured by the high wall boundary and garage does not constitute a significant feature.

Residential amenity

The site is flanked by other commercial buildings and habitable room windows have an outlook over neighbouring yards or to the front over Blackburn Street. The internal arrangements have been amended such that each flat would meet the Technical housing standards – nationally described space standard in terms of minimum gross internal floor areas and minimum bedroom floor space and dimensions and would not be stacked such that bedrooms would not be stacked over or above active rooms such as lounges or kitchens.

Outdoor amenity space would be limited, but this is typical of town centre residential flats..

Parking, access and servicing

The Highway Officer does not object to the proposal.

The site is in a town centre location and includes for the provision of 2 secure cycle stands.

Servicing

The arrangement for refuse storage is acceptable in general terms and the Highway Officer has recommended the imposition of a condition requiring the implementation of the proposed bin storage arrangements at basement level.

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 residential development in a highly sustainable location and without detriment to the character and appearance of the area, highway safety or 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:

- 1 This decision relates to drawing nos. CSA_55_PL_001 and CSA_55_PL_002 C 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.
- 2 The bin storage facilities indicated on approved plan reference CSA_55_PL_001 shall be maintained for the lifetime of the development.
Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety, pursuant to Bury Unitary Development Plan Policy EN1/2.

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- 3 The cycle storage indicated in the approved plans shall be implemented within 3 months of the date of the planning permission and shall thereafter remain available for users of the development.

Reason. To secure satisfactory cycle facilities on site and in accordance with Bury Unitary Development Policies HT6 - Pedestrians and Cyclists and HT6/1 - Pedestrians and Cycle Movement.

<u>Case Officer</u> DSC	<u>Date</u> 15/08/2022	<u>Sign off Officer</u>	<u>Date</u>
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