

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 14/02/2022	Ref: 67630/FUL
Registration: 01/12/2021	LDFC: 29/12/2021	Expiry Date: 26/01/2022
Site Visit: 21/01/2022	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: HOUS

Proposal: Change of use from ground floor shop to residential unit with single storey front extension

Location: 385 Parr Lane, Bury, BL9 8PH

Description

The application relates to a 2 storey end terraced property which has ground floor A1 retail shop with residential accommodation to the rear of the ground floor and 4 bedrooms above. The property fronts a main road and is within a predominantly residential setting. It is not allocated within a shopping area.

The property has a forecourt at the front with the boundary defined by bollards. At the side off Swinton Crescent is an existing driveway which leads to 2 parking spaces at the rear of the property and a garden area.

The application seeks the change of use of the ground floor to residential accommodation so that the property would become a single dwelling. It is also proposed to add a single storey front extension which would project 1.8m from the front elevation with a mono pitched roof.

The bollards would be removed and replaced with a dwarf wall to define the frontage.

The existing access, parking and garden would be retained as currently exists. Internally the living accommodation would be located at the ground floor with the 4 bedrooms to remain at first floor.

Relevant Planning History

36446 - S/s extension at rear of detached garage - approved 2000

41929 - New boundary fence and infilling of land to form hardstanding parking area - refused 2004

Publicity

Letters sent on 3/12/21 to 16 properties on Parr Lane and Swinton Crescent.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received.

Waste Management - No response received.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H2/1	The Form of New Residential Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
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.

Proposed use - The site is located within a predominantly residential area, the property being the only one in a shop use.

The site is not within an allocated shopping area and the property already has residential accommodation at first floor. It is therefore considered the change of use to a single dwelling would be compatible with the character of the area and loss of a shop not be of a detrimental harm in this location.

Layout - The main change to the layout would involve the frontage where it is proposed to remove the existing bollards which define the property's forecourt area and replace them with a 400mm dwarf wall which would be similar to the frontages of the adjacent houses and therefore acceptable within the street scene.

The position of the extension would be within the confines of the site and not project excessively at the front and therefore would be acceptable.

At the rear, the existing garden would be retained for occupiers of the property and the existing boundary treatment at the side would also be retained.

As such, it is considered the proposed layout would be acceptable and comply with H2/1 and H2/2.

Appearance - The proposed front extension would be single storey to create a porch and minor increase to the size of living accommodation. It would have a tiled mono pitched roof and elevation material to match the existing property. The proposed extension would be a relatively minor addition and considered acceptable in the streetscene.

As such the proposed design and appearance is considered acceptable and would comply with EN1/2 and H2/3.

Impact on residential amenity - It is proposed to add a single storey front extension which would project 1.8m from the existing elevation. It would not project significantly past the neighbours property to cause a detrimental impact on their outlook or amenity. It would be less than the 3m projection along a boundary allowed in SPD6 for a single storey extension.

There would be minor external modifications to include new window/door openings but these would not be positioned to overlook or impact on amenity or privacy than current arrangements.

As such, it is considered there would not be a detrimental impact on the amenity of adjacent occupiers and the proposed development would comply with H2/1, H2/2, H2/3 and SPD6.

Parking - There is an existing access and driveway off Swinton Crescent which leads to parking for 2 cars and therefore considered to adequately serve the scale of development. The proposal to define the frontage with a dwarf wall would ensure parking could not occur from this part of the highway which may otherwise cause issues of highway safety.

The Highway section have raised no objection and as such the proposed development would comply with EN1/2, HT2/4 and HT6/2.

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

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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 - 00 Site Location Plan Rev C; Proposed floor layout and proposed elevations received 7/10/21; Proposed LHS side elevation received 3/12/21 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 external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Notwithstanding the details indicated on approved plan reference 00 Revision C, the boundary treatment alterations at the front/side of the property shall not be commenced unless and until the limits of the existing adopted highway have been agreed on site with the Highway Authority. The subsequent works to remove the existing bollards and replace them with a 400mm high dwarf brick wall located clear of the limits of the adopted highway identified, incorporating foundations that do not encroach under the adjacent adopted highway and any necessary highway remedial works required to reinstate the adjacent footway to its former condition prior to commencement of the development, shall be implemented prior to the development 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 Bury Unitary Development Plan policies H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.
- 5 The car parking arrangements indicated on approved plan reference 00 Revision C shall be made available for use prior to the use hereby approved commencing and thereafter maintained available for use at all times
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	14/2/22		