

DELEGATED REPORT

Report by Helen Pressley	Date of report: 14/05/2025	Ref: 71704/FUL
Registration: 20/03/2025	LDfC: 17/04/2025	Expiry Date: 15/05/2025
Site Visit: 02/05/2025	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: MIOT

Proposal: Installation of new front door and windows to all elevations

Location: Former HSS Hire Unit, 121-131 Bell Lane, Bury, BL9 6BB

Description

The application relates to a traditional terraced row that has a vacant retail unit and ground floor location on Bell Lane. The site includes some incidental land at the rear (with some self-seeded young trees and shrubs) and an area of land to the immediate east that had been used as a customer car park/ servicing area with a dedicated vehicular access off the north side of the mini-roundabout on Bell Lane.

The site is bound by commercial uses including manufacturing and car sales to the east, north and west and a small public car park immediately opposes the site on the south side of Bell Lane. Residential properties are located to the south of the site, east and north of the site beyond Bell Lane and intervening commercial uses.

The site falls within the Freetown Employment Generating Area as identified under Policy EC2/1 of the Bury Unitary Development Plan

Planning permission is sought for new windows and doors to the front, side and rear elevations of the existing unit, This comprises of:

- Front - 1no. ground floor window, 1no. ground floor door, 1no. first floor window.
- Side 1 - 1no. ground floor window, 1no. ground floor door, 4no. first floor windows.
- Rear - 5no. first floor windows, 1no. ground floor window.
- Side 2 - 4no. first floor windows, 1no. ground floor window.

Relevant Planning History

02575/E - Demolition of Existing Building and Erection of 41 Apartments and 1Retail Unit with 18 Car Parking Spaces - Enquiry completed 10/05/2021

03067/E - Conversion of existing building at first floor and part ground floor to create 8no. flats including new window and door openings; retention of existing retail use on part ground floor. - Pending

70955 - Conversion of existing building at first floor and part ground floor to create 9 no. flats including new window and door openings; retention of existing retail use on part ground floor - Pending

Publicity

Neighbours written to on the 27th March 2025. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Conditions requested in relation to providing details of DDA/building regulations compliant access and works to an existing ramp that does not comply with the Highway Act 1980 and preventing outwards opening doors.

Pre-start Conditions - Not relevant

Development Plan and Policies

EC2/1	Employment Generating Areas
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
HT5/1	Access For Those with Special Needs
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 (Use)

The site is located within the Freetown employment generating area (EGA), as identified under UDP Policies EC2/1 and EC2/1/5. In the defined Employment Generating Areas, as identified on the Proposals Map, the Council will only allow development for the uses specified, those being B1 (Business), B2 (General industrial) and B8 (Warehousing). The policy states that other uses will only be allowed where they constitute limited development or where they do not substantially detract from the area's value as an EGA.

The former use class B1 now falls within the much broader Use Class E (Commercial, Business and Service). Therefore, sites/properties in EGA's that are now classified as falling within Use Class E can operate for any of the broad range of uses that fall under this use class without requiring planning permission (including retail, food and drink, financial and professional services, indoor sport and recreation, medical or health services, creche/day nursery, offices/research and development/industrial premises).

Given that the proposal would maintain the existing use of the site and that it is located on the very edge of the EGA, it is reasonable to conclude that the proposal would not, in principle, substantially detract from the value of the EGA. On this basis, the proposal would not conflict with UDP Policy EC2/1.

Layout and Design

Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy EN1/8 further seeks to ensure that proposals for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this.

The proposal would utilise the existing terraced building retaining much of the frontage as existing. The additional first floor window, and ground floor window/door would be suitably aligned, and would reflect the style of the existing windows within the most prominent frontage. Similarly the proposed windows and doors to the side and rear elevations are considered to be suitably aligned. The proposal would not include any extensions to the existing building. As such, it is considered that the proposal would not detract from the character of the original property or locality.

Amenity

There are no adopted aspect standards for relationships between commercial properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The proposed side ground floor window within side elevation 2 would relate to a storage area which is a non-habitable space. The proposed first floor side windows within side elevation 2 would relate to an office, kitchen and display area (office). The proposed kitchen is a non-habitable room and as such aspects have not been applied. The proposed office and display areas could possibly cause a degree of overlooking. The side windows however are secondary windows to these areas and as such aspects have not been applied.

The proposed rear ground floor windows would relate to a non-habitable room (storage). The proposed first floor rear windows would all be located over 7 metres from the directly facing boundary other than a proposed first floor display area (office window) on the existing rear two storey outrigger. This window however would have an onward view of roofs associated with the property to the rear rather than private residential space and is therefore considered to be acceptable. An informative will be added in relation to this window to confirm that it would not be protected should the adjacent site be developed in the future.

The proposed ground floor wide windows within elevation 1 would face towards the existing parking and servicing areas associated with the unit. Similarly the proposed first floor side windows within this elevation would also face towards this area and be located over 7 metres from the shared side boundary.

The proposed front windows would face towards a highway, and would be separated from the directly facing car park and junction by a main road (B6222 Bell Lane) as such no loss of privacy is foreseen.

Access and Highway Safety

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. UDP Policy HT5/1 seeks to encourage the provision of satisfactory access to ...public and private buildings.

The proposal seeks to utilise the existing access, parking and servicing yard to the side of the property. The proposal however would introduce new pedestrian access directly from the adopted highway to the proposed storage area. It is not clear from the plans submitted whether or not this would be a level access however this would be a building regulations matter and planning legislation is clear that the LPA should not duplicate regulations. In addition the Highways Authority has highlighted an existing ramp on the adopted highway that is utilised to access the front of the existing building contrary to the Highways Act 1980. Again this would duplicate regulations. It is noted that the Highway's Authority would like these details conditioned but taking into consideration the requirements not to duplicate regulations, informatives have been added in this respect.

Similarly, the Highways Authority have asked for windows not to open out into the highway. This would be covered under the requirements of Section 153 of the Highways Act 1980 which prohibits the opening of doors, gates or bars outwards onto the street and therefore an informative has been attached in relation to this.

Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

In this instance, given the nature of the development which largely comprises of reconfiguration and alterations to an existing building the de minimis exemption would apply.

Carbon And Energy

JP-S2 - Carbon & Energy sets out the steps required to achieve net zero carbon emissions.

The proposal includes the installation of new doors and windows with high thermal properties. The applicant has confirmed that all new windows and doors would meet or exceed the current building regulations performance requirements.

Digital Connectivity

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JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The applicant has confirmed that the premises already has high speed internet installed.

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 Site Location Plan, 24.3338.20, 24.3338.21, 24.3338.22, 24.3338.23, 24.3338.24, 24.3338.25, 24.3338.26A, 24.3338.27 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 14/05/2025			