

DELEGATED REPORT

Report by Helen Pressley	Date of report: 12/07/2024	Ref: 70544/FUL
Registration: 27/03/2024	LDFC: 18/04/2024	Expiry Date: 22/05/2024
Site Visit: 24/04/2024	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: Change of use to form residential dwelling with additions/alterations to front/side elevations

Location: 129 Croft Lane, Bury, BL9 8QH

Description

The application relates to a former public house. The premises has had previous permission for conversion to a training centre, show room and separate dwelling. The premises is a two storey, rendered property with quoin detailing and a slate roof. The premises has a existing single storey extensions to the front, side and rear.

Access to the site is gained from Croft Lane and parking for the existing uses is located to the existing property.

Planning permission is sought for the change of use of the premises to form 1no. residential dwelling. The first floor currently has an existing residential use. The proposal would see internal alterations to the ground floor to create living accomodation and 2 no. bedrooms. The existing single storey front extension, and an existing single storey side extension are proposed to be demolished. It is proposed to replace the single storey side extension with a new single storey, flat roof glazed entrance.

Relevant Planning History

58171 - Change of use of existing pub (Class A4) with ancillary residential accommodation to:- Plaster training centre (Class D1) and associated showroom (Class A1) on ground floor; Separate dwelling (Class C3) at ground and first floor; Retention of existing residential accommodation at first floor (Class C3); Demolition of existing outbuilding at rear to form yard for separate dwelling - Withdrawn by Applicant 09/02/2015

58418 - Change of use of existing pub (Class A4) with ancillary residential accommodation to: Plaster training centre (Class D1) and associated showroom (Class A1) on ground floor; Separate dwelling (Class C3) at ground and first floor; Retention of existing residential accommodation at first floor (Class C3); Demolition of existing outbuilding at rear to form yard for separate dwelling (resubmission) - Approve with Conditions 07/07/2015

61135 - Outline application for the construction of 7 no. dwellings - Approve with Conditions 24/10/2017

61463 - Creation of car park - Approve with Conditions 22/12/2017

62912 - Temporary extension of existing car park including earthworks and laying out of a hardcore surface to provide 13 additional car parking spaces, together with installation of security fence and gates. - Approve with Conditions 15/11/2018

Publicity

Letters sent to neighbouring properties 28/03/2024. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - no objections subject to conditions in relation to implementation of access and highways improvements.

Waste Management - No response

The Coal Authority - Do not objection to this planning application subject to informative in relation to coal mining features, and shallow coal seams.

Greater Manchester Ecology Unit - Informatives requested in relation to bats and nesting birds. As no evidence of bats or nesting birds was recorded, no specific mitigation is required. As enhancement GMEU recommend provision of one bird box. The details can be conditioned.

Pre-start Conditions - Agreed by agent.

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
H2/4	Conversions
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
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), 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 (Residential)

The National Planning Policy Framework (NPPF) 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. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

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 deliverable land 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). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan was adopted with effect from 21 March 2024 and allocates significant strategic sites for housing within Bury.

The adopted joint Places for Everyone Plan Policy JP-H1 sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). Following the adoption of PfE the Council is able to demonstrate a 5 year supply with a 20% buffer.

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, 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.

The site is in a sustainable location for housing within the urban area and sitting outside the Green Belt.

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. However, the adoption of the Places for Everyone Joint Development Plan has resulted in new housing targets for the Borough and the allocation of strategic sites housing sites, which along with the identified housing land supply within the urban area enable the Council to demonstrate a deliverable 5 year supply of housing land, and will accelerate housing delivery within the Borough to meet housing needs.

The proposal would see the retention of 1 no. residential unit at the site as existing. As such the proposal would not lead to a loss or gain in residential properties. The proposal is therefore considered to be acceptable.

Layout and Design

Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 35 dwellings per hectare at this site. The total area of the site is approximately 0.05 hectares, which based on a total of 1 dwelling would result in a density of 20 dwellings per hectare. In this instance however, the proposal would result in the reuse of an existing building and would retain 1 no. residential unit on the site as existing. As such the proposal is considered to be acceptable.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

The amendments to the principle front elevation are minimal, with the single storey porch extension being removed and replaced with a window of the same style as the existing ground floor windows, and the bars across the ground floor windows within the side extension being removed. The flat roof entrance extension to the side of the property would be sited to the rear of the single storey side extension that currently fronts Croft Lane. It is considered that the amendments to the fenestration of the property would have limited impact on the character of the original property and are therefore acceptable.

Policy JP-H3 also states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The submitted space standards table states that the proposal would be a 6 bed, 8 person dwelling. The floor plans however show a 5no. bed dwelling.

A 5 bed, 8 person, 2 storey dwelling would require a minimum gross internal floor space of 121 square metres. Floorspace of 132 square metres can be provided. The minimum applicable overall built in storage for this size of dwelling would be 3.5 square metres. The submitted space standards table confirms that 5.5m square metres would be provided.

The Master bedroom would be approximately 15.7 square metres and 3.34 metres wide. Bedroom 2 would be approximately 11.6 square metres and 2.8 metres wide. Bedroom 3 would be approximately 14.4 square metres and 3.8 metres wide. All 3 first floor bedrooms would therefore comply with space standards for double occupancy double bedrooms providing. The remaining ground floor bedrooms would comply with space standards for single occupancy bedrooms. The proposed dwelling would therefore comply with nationally described space standards.

Compliance with Part M4(2) can be secured via condition.

Amenity

There are no adopted aspect standards for new build residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

Proposed first floor rear master bedroom window would be located approximately 11.5 metres from the directly facing boundary complying with aspect standards. The remaining first floor rear and side windows would relate to non-habitable rooms.

The proposed front first floor and ground floor windows would face towards an undeveloped piece of land on the junction of Croft Lane and Borden Way. The property is separated from this piece of land by a highway. As the proposal is for a conversion of an existing building existing aspect standards will be maintained.

Proposed side ground floor window would face towards an undeveloped piece of land to the north east of the site that appears to have been previously utilised as a car park. This land has a current planning permission (68684) for a nursery. The proposed layout for this

scheme show a 1.8 metre high mesh security fencing along the shared boundary with the application site. The proposed side ground floor windows would face towards the car park of this proposal rather than a building. As such it is considered that the proposed development adjacent to the site would not have a detrimentally overbearing impact on the proposed side ground floor habitable room windows.

Access and Parking

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. 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.

The proposal would utilise an upgraded, existing access from Croft Lane. This would include the provision of a sliding gate approximately 5.5 metres from the back of the footway limits. No objections have been raised to the amendments to the existing access by the highways authority.

In terms of parking standards, in addition to Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

Parking would be provided to the side of the proposed dwelling, similar to existing arrangements. 4no spaces would be provided. Whilst this would exceed the maximum number of spaces set out within SPD 11 given the parking restrictions on the road to the front of the dwelling (double yellow lines) the in curtilage parking is considered to be acceptable.

Ecology

Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Policy EN8/2 supports and encourages new woodland and tree planting within the borough.

Bats

A dusk survey has been provided in-line with the recommendations of the initial bat assessment. No evidence of bats emerging from the building was identified/ GMEU have concluded that no further survey effort is required and have recommended an informative in relation to what should be done if bats are found during works.

Nesting Birds

No evidence of nesting birds has been recorded. There also appears to be no trees or shrubs on the site. The site can therefore be assumed to be very low risk for nesting birds and therefore GMEU have requested an informative in relation to the Wildlife and Countryside Act 1981.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

The development site appears to have no vegetated habitat with wildlife value restricted to any bats that may be present. The application was submitted prior to the 2nd April 2024 and as such mandatory BNG does not apply.

With regards section 180 of the NPPF, as small gardens are being created then the site will be enhanced in terms of vegetated habitats. As no evidence of bats or nesting birds was

recorded, no specific mitigation is required. As enhancement GMEU recommend provision of one bird box the details of which can be conditioned.

Carbon and Energy

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

The submitted carbon and energy statement confirms that The project will be designed to satisfy the requirements of the Building Regulations Approved Document L as a minimum.

An electric vehicle charging point will be installed to the side of the building in the location where vehicular parking is proposed. This can be secured via condition.

It is therefore considered that the proposal would comply with Policy JP-S2.

Digital Connectivity

Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

Due to the location of the site, full fibre is available.

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 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 H1233 000 Rev 0, H1233 051 Rev 0, H1233 050 Rev 0, H1233 022 Rev 0, H1233 021 Rev 0, H1233 001 Rev 0, H1233 202 Rev 0, H1233 201 Rev 0, H1233 110 Rev 5, H1233 052 Rev 0, H1233 205 Rev 0, H1233 011 Rev 0, H1233 010 Rev 0, H1233 112 Rev 0, H1233 101 Rev 3, PRGN-2330-HGN-DR-CH-0001E 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 Prior to occupation of the dwelling hereby approved the applicant shall install 1no. bird box.
Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net

Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 5 The dwelling hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.
Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.
- 6 The development hereby approved shall be carried out in accordance with a Sustainable Drainage Scheme based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). The Scheme shall be implemented prior to first occupation and thereafter maintained.
Reason. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
- 7 Prior to occupation the applicant shall provide:

1 no. electric vehicle (EV) charging point (minimum 7kW*) per unit for dwellings with dedicated parking.

Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 111e, 116e, 180e and 192 of the National Planning Policy Framework (December 2023) and Places for Everyone Policy JP-S5 (Clean Air).
- 8 The revised vehicular and pedestrian access arrangements indicated on the approved plans, incorporating the provision of a sliding gate set back a minimum of 5.5m from the back of the footway/limits of the adopted highway, demarcation of the limits of the adopted highway and segregated pedestrian route and gate, shall be implemented prior to the use hereby approved commencing and thereafter maintained.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to development plan policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets For All and JP-C6 - Walking and Cycling.
- 9 The works to form the proposed landscaped buffer, incorporating edgings at the back of the footway with a 50mm upstand in a position to be agreed on site with the Highway Authority in order to demarcate the limits of the adopted highway and all associated highway remedial works required to reinstate the adopted highway to its

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condition prior to commencement of the development and following demolition of the single storey porch, shall be implemented prior to the use hereby approved commencing.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to development plan policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets For All and JP-C6 - Walking and Cycling.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	11/07/24	DM	12/07/24