

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 21/11/2022	Ref: 68845/FUL
Registration: 29/09/2022	LDfC: 25/10/2022	Expiry Date: 24/11/2022
Site Visit: 31/10/2022	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: Change of use from office (Class E) to residential (Class C3)

Location: 33 Knowsley Street, Bury, BL9 0ST

Description

The proposal relates to a mid-terraced Victorian terrace that has a lawful use as offices. It is flanked by a dwelling at no. 31 and no. 35 has recently had prior approval to return to a dwelling (67939). Existing accommodation is formed over three floors.

The proposal is to return the building to a 5 bedroom dwelling. No external alterations are proposed. The two off-street parking spaces at the rear would be retained.

Relevant Planning History

N/A

Publicity

Direct neighbour notification was undertaken and no representations were received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition requiring the implementation of the car parking and waste storage details provided.

Environmental Health - Contaminated Land: No objection. Recommend a condition requiring the installation of an electric vehicle charge point.

Waste Management: No comments received.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/4	Conversions
EN1/2	Townscape and Built Design
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

A Class E use (Commercial, Business and Service) is not a protected asset as identified within the Unitary Development Plan or the National Planning Policy Framework.

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 within Bury town centre, surrounded by established and new residential uses and close 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. Furthermore, the site is located in a sustainable location with regard to access to goods, services and public transport. Thus, the principle of the development is acceptable, subject to consideration of the subsequent matters.

Visual amenity

No external alterations are proposed.

Residential amenity

All the buildings in the row have rear two storey outriggers with windows on the side elevations that oppose windows at flanking neighbouring terraces serving kitchen/diners and bedrooms. However, this is the original format and layout of these traditional properties and this relationship exists at other properties in the row and is an accepted aspect of occupying such buildings.

The floor layout exceeds Nationally described space standards.

Parking and access

There is existing parking at the immediate rear of the building that can accommodate two vehicles. Furthermore, the site is located in Bury town centre with excellent access to public transport.

The Highway Officer does not object to the proposal.

Servicing

There would be adequate storage space in the rear yard area for refuse and recycling bins and the Highway Officer has recommended the imposition of a condition requiring the implementation of such.

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 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;
Site Location & Block Plan (Dwg No. 001)
Proposed Floor Plans (Dwg No. 003)
Existing and Proposed Site Plan (Dwg No. 004)
and the development shall not be carried out except in accordance with the drawings

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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 car parking facilities and bin storage arrangements indicated on the approved plans shall be provided before the first occupation of the use hereby approved and retained for those purposes thereafter.

Reason. - To ensure that adequate off-street car parking and provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in the interests of highway safety, pursuant to Policy EN1/2 of the Cury Unitary Development Plan.

- 4 Prior to the occupation of the dwelling hereby approved, one electric vehicle (EV) charging point (minimum 7kW*) shall be installed.

*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.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	21/11/22	DM	21/11/22