

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 27/05/2022	Ref: 68093/FUL
Registration: 15/02/2022	LDFC: 28/03/2022	Expiry Date: 12/04/2022
Site Visit: 09/03/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use from dental surgery E(e) to dwelling house C3(a), removal of roller shutters and security bars, with first floor rear extension, additional rear door for storage, new bay windows and porch to the front.

Location: 52-54 Water Street, Radcliffe, Manchester, M26 4DF

Description

The proposal relates to a mature two storey building that appears to have been significantly bastardised in converting two former semi-detached properties into a single building. It is set back from Water Street behind a generous and vegetated front garden and is flanked by Knowles Street to the west and a new block of flats to the east and the proposed car park to this development to the north (rear). The building was formerly occupied by a dental practice.

The proposal is for the change of use from dental surgery (Use Class E(e)) to a nine bedroom dwelling house (Use Class C3(a)), removal of roller shutters and security bars, with first floor rear extension, additional rear door for storage, new bay windows and porch to the front.

The principal elevation and all sides of the outrigger would be white rendered and the roof clad in grey concrete roof tiles. Since the original submission, the application has been amended to remove a proposed new access and formation of a parking space on the front garden space, the adaptation of the proposed front extension and first floor rear extension.

Relevant Planning History

None relevant

Publicity

Direct notification undertaken. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition requiring implementation of the car parking in accordance with the approved plans.

Waste Management: No comments provided.

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.

ASSESSMENT

Principle of development

A dental surgery 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, 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 falls in a sustainable location with regard to services and public transport. Thus, the principle of the development is acceptable, subject to consideration of the subsequent matters.

Visual amenity

The existing building is likely to have been a pair of semi-detached dwellings originally, given the form, architectural detailing and associated garden spaces. However, the principal elevation has been altered such that the symmetry across this facade has been undermined, including the mismatch in materials.

The proposal would include the removal of the existing original bay and replacement with a single storey front extension that would span the whole frontage, aside from a minor set in at each side and would incorporate a central porch. The first floor of the rear outrigger would be extended to the same footprint as the existing ground floor and therefore project to the same extent. The existing ground floor outrigger elevations would be adapted to alter door/window openings. Thereafter, the principal elevation and outrigger elevations (as extended) would be rendered and painted white and new windows and doors in black uPVC would be inserted across the entire building.

Given that the existing property has been significantly altered in a manner that has undermined its original character and appearance, the proposed extension and render finish of the principal elevation would reintroduce a symmetrical appearance and seamless finish that would improve the most significant perception of the building from the main vantage point from Water Street.

The proposed first floor extension to the rear outrigger would project only as far as the existing ground floor and would incorporate a hipped end. The partial render finish to the rear would assimilate acceptably with the existing. Removal of the roller shutters would also contribute to the improvement in its appearance.

Given the above, the proposal would not therefore have any unacceptable impacts upon visual amenity or on the street scene and would not conflict with UDP Policy EN1/2.

Residential amenity

The only potential conflict would be with the rear habitable room windows to the new apartments flanking the site to the east. As a result, the first floor outrigger extension would be chamfered so as not to extend forward of the 45 degree visibility splay from the nearest adjacent rear windows.

No other properties would be unacceptably impacted.

The proposed bedrooms and overall floor space would be compliant with the Technical housing standards – nationally described space standard in terms of minimum gross internal floor areas and minimum bedroom floor space and dimensions.

Parking and access

There is existing parking at the immediate rear of the building that can accommodate two vehicles with access from Knowles Street. The maximum parking requirement for a four or more bedroom dwelling is 3 spaces. The maximum parking standard for the former dental

practice is greater. Thus, the proposed dwelling would have be expected to have a less harmful impact on highway safety.

The Highway Officer does not object to the proposal following removal of the front forecourt parking.

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 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 Location, Block and Existing Site Plan (Dwg no. IPS/R/52-54/M264DF - SHT 1 of 7), Proposed Site Plan (Dwg no. IPS/R/52-54/M264DF C - SHT 5 of 7), Proposed Floor Plans (Dwg no. IPS/R/52-54/M264DF C - SHT 6 of 7), Proposed Elevations (Dwg no. IPS/R/52-54/M264DF D - SHT 7 of 7) 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 No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.
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.

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- 4 The development hereby approved shall not be first occupied unless and until the car parking arrangements indicated on the approved plans, along with in-curtilage bin storage arrangements have been implemented and thereafter maintained available for use at all times.

Reason. To ensure adequate off-street car parking provision and bin storage arrangements, in the interests of road safety, pursuant to Bury Unitary Development Plan policy EN1/2.

<u>Case Officer</u> DSc	<u>Date</u> 27/05/2022	<u>Sign off Officer</u>	<u>Date</u>
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