

**DELEGATED REPORT**

|                                  |                                   |                                |
|----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 07/11/2022 | <b>Ref:</b> 68606/FUL          |
| <b>Registration:</b> 08/09/2022  | <b>LDFC:</b> 04/10/2022           | <b>Expiry Date:</b> 03/11/2022 |
| <b>Site Visit:</b> 30/09/2022    | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0             | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> MIDW        |

**Proposal:** Alterations to shop front/installation of roller shutters and subdivision of 1 no. shop into 2 no. retail units; Two/single storey extension at rear and alterations to form 2 no. ground floor flats and 1 no. additional first floor flat

**Location:** 165 Bolton Road, Bury, BL8 2NW

**Description**

The site relates to a commercial premises which is located within a row of 5 other shops and businesses and is within a Local Shopping Centre which fronts a main road.

The property is double fronted and has a shop/office use at ground floor with 1 no flat comprising living accommodation to the rear of the ground floor and 4 bedrooms and a bathroom at the first floor. The flat is accessed via a separate front entrance. The property has a single storey and 2 storey outrigger at the rear.

There is parking directly to the rear of the row of shops and on Fountain Street at the side.

The application seeks the elements comprising -

- Alterations to the shop front and subdivision of the 1no shop into two retail shops
- Two/single storey extensions at the rear and alterations to form 2 ground floor flats and 1 additional first floor flats. (4 no. flats in total)

Bins would be stored in the rear yard area.

**Relevant Planning History**

41855 - Change of use of ground floor to shop and office and first floor to offices - approved 12/2/2004.

**Publicity**

Letters sent on 13/9/22 to adjacent properties.  
No responses received.

**Statutory/Non-Statutory Consultations**

Traffic Section - No response received  
Environmental Health - Pollution Control - No response received

**Pre-start Conditions** - Not relevant

**Unitary Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| NPPF  | National Planning Policy Framework |
| S1/4  | Local Shopping Centres             |
| EN1/2 | Townscape and Built Design         |
| EC4/1 | Small Businesses                   |
| HT2/4 | Car Parking and New Development    |

|      |                                           |
|------|-------------------------------------------|
| H2/1 | The Form of New Residential Development   |
| H2/2 | The Layout of New Residential Development |

## **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** - The property is located in a local shopping area and within a row of other shops, some with associated flats.

The proposal to separate the commercial unit into two shopping units is considered acceptable in principle.

There is already one residential unit within the property, and the division of the property to create 4 flats would be accepted in principle subject to providing appropriate standards of

living accommodation and associated facilities.

**Layout and scale of development** - At the front, the single unit would be split into 2 individually operating small shop units, each with its own glazed frontage and entrance. The front entrance which currently serves the single residential unit would continue to serve the existing and additional residential accommodation.

The property is currently double fronted and would be capable of being converted into 2 smaller separate units. The front elevation would be altered to provide separate entrances and shop fronts which would reflect the appearance of the shops along the rest of the row.

The property would be extended at the rear and provide additional space for the two bedsits at ground floor and two flats located at the 1st floor. The level of accommodation shown for each individual unit would provide acceptable living standards. The scale and massing of the extensions would be proportionate to the existing build and considered acceptable subject to further assessment on amenity impacts to the adjacent occupiers(see below).

Bins for the shop units and residential units would be contained within a rear yard area.

It is therefore considered the proposed layout and scale of development would be acceptable within the site area and its setting and comply with H2/1, H2/2, H2/4, S1/4 and EC4/1.

**Impacts on the surrounding area**

Proposed residential units - There is currently 1 no 4 bedroom flat which comprises the living area at the rear of the property for living space with 4 bedrooms above. Part of the residential unit is accommodated within a single storey and 2 storey rear extension.

It is proposed to provide 2 bedsits at ground floor and two 1 bed flats at the first floor and to extend the property at the ground floor and 1st floor at the rear.

A single storey extension projecting 3.2m would be added to the existing 2 storey outrigger. The adjacent property No. 169 also has a single storey extension along the adjacent shared boundary. The proposed extension would project approx 1.3m past the extension to No 169 and as such would comply with SPD6 and be acceptable.

On the south eastern side at the rear, the single storey extension would project approx 3m along the shared boundary with No 163. This property also has a single storey rear extension and as such the proposed extension would be acceptable.

The proposed 1st floor extension would extend approx 2.7m from the rear wall and would be set approx 0.8m away from the boundary with No 163. This property has a 1st floor habitable room window on the rear elevation close to the boundary with the site. However, as this property has a ground floor extension, a 1st floor extension projecting 2.7m and set 0.8m from the shared boundary would be acceptable and comply with SPD6.

It is therefore considered that the proposed extensions would not have significantly detrimental impacts on the adjacent properties and would comply with H2/2 and SPD6.

**Visual amenity** - The premises is currently double fronted and the separation of the existing commercial unit into two separate shops with glazed frontages would reflect the pattern and appearance of the adjacent row. At the upper floors, the existing windows to the residential units would be retained.

Details of the proposed roller shutters have not been provided. Whilst other properties on the row have perforated or solid types, these are generally considered to be unacceptable as they present closed and unpleasant frontages. New development should seek to better

the appearance of premises where possible.

It is therefore considered reasonable that a condition be included for an open lather shutter to be installed.

The proposed extensions would be brick built and whilst the rear elevation is currently rendered, there is a mix of design and finishes at the rear and given public views would be limited, this approach is considered acceptable.

It is therefore considered the proposed development would comply with EN1/2.

**Parking** - The site is located on a main road and bus route and in a high access area. There is also on street parking to the side and rear of the row of shops. Given the sustainable location and scale of development, it is considered that dedicated parking would be unnecessary in this instance.

**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 Existing and proposed layout page 1 of 2 dwg (A1) 1893 drawing amended for planning 8/9/2022; Proposed layout with additional bin store page 2 of 2 (A1) dwg 1893 drawing amended 1/11/2022 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 bin storage details shown on the approved plans (proposed layout page 2/2 amended 1/11/22 with additional bin storage) shall be provided and made available for use prior to the first occupation of the development hereby approved and shall thereafter be maintained. There shall be no bins stored at the front of the property or on the adopted highway at anytime.  
Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Bury Unitary Development Plan Policy EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design.
- 4 Any roller shutters to be installed to the front of the shop windows hereby approved shall be an open lathe type only.  
Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

**DELEGATED REPORT**

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| <u>Case Officer</u> <u>Date</u><br>JT 7/11/22 | <u>Sign off Officer</u> <u>Date</u> |
|-----------------------------------------------|-------------------------------------|