

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 22/02/2022	Ref: 67511/FUL
Registration: 29/09/2021	LDfC: 26/10/2021	Expiry Date: 24/11/2021
Site Visit: 05/10/2021	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: Single storey extension to front of shop with seating area outside; Flat roof dormer with juliet balcony to the rear of dwelling; new window to the 1st floor rear elevation

Location: 282A & 282B Hollins Lane, Bury, BL9 8AY

Description

The application relates to a bakery shop which is located at the eastern end of a Neighbourhood Shopping Centre. The premises is the only remaining shop on this side of the road, and is separated from the rest of the designated shopping centre by an access road which leads to the rear of the application property.

The site is surrounded by residential properties, those fronting the main road being predominantly terraced houses.

The application property is 2 storey with the bakery at ground floor and a separate 2 bedroomed residential unit at first floor accessed via an entrance on the front elevation. There is a small forecourt area at the front of the shop with an area which has been used as outdoor seating.

At the rear, there is a 2 storey outrigger and flat roof single storey outrigger, the single storey accessed via a set of steps and roller shutter door on the eastern elevation. There is an area to the rear of the property which is used for parking and deliveries and also where the bins are stored.

The application seeks permission for a single storey extension to the front of the shop with outdoor seating area, flat roof dormer with juliette balcony to the rear and new window to the first floor rear elevation.

The front extension would project 1.6m and be 9m in length across the full shop frontage and the flat entrance door. The front elevation would have large glazed display window openings with rendered finish walls to match the existing. Access to the flat would also be provided from the front. The remainder of the forecourt would be used as an outdoor seating area.

The proposed rear dormer would extend from the ridge of the existing roof over the 2 storey outrigger with a juliette balcony on the rear elevation of the dormer to provide a 3rd bedroom. The remaining accommodation would be reconfigured with a new window inserted in the rear wall.

Two parking space are shown to be located in the associated land to the rear of the property.

Relevant Planning History

39312 - Additional use of bakery shop as hot food takeaway - approved 2002.

Publicity

The neighbouring properties were notified by means of a letter on 4 October 2021.
There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EC4/1	Small Businesses
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
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S1/5	Neighbourhood Centres and Local Shops
S2/6	Food and Drink
HT2/4	Car Parking and New Development
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) 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.

Layout - The proposed front extension would project 1.6m from the existing front elevation and span across the frontage 9m in length. It would be fully contained within the curtilage of the site with scope to also retain some outside seating within the forecourt area without encroachment onto the public footpath. The entrance to the flat would also be incorporated within the extension and would continue to be a separate unit to that of the shop.

The only other modification would be to the layout of the internal living accommodation provided at the first floor which would be reconfigured with a 3rd bedroom proposed in the roof dormer.

The rear grounds of the property would continue to provide parking and servicing for the shop.

It is therefore considered that the proposed layout would be acceptable and would not cause a significant or detrimental harm to the surrounding area and as such would comply with EN1/2 and S1/5.

Design and appearance - The proposed extension would have a floor area of 14.4 sqm and as single storey extension, it is considered the extension would be a minimal addition to the shop front and would not appear discordant within the street scene, particularly as it would be set back within the site forecourt area. The front elevations would mainly comprise large glazed openings considered appropriate for a shop frontage which would also be lightweight in appearance and not over dominant to the existing build.

The proposed dormer would project from the existing ridge and extend over the 2 storey outrigger. Although it would add some bulk and massing when viewed from the western side, it is considered the size of the dormer would not be overly oppressive or dominating to the street scene. Materials are proposed as rendered finish which would match the existing and therefore considered acceptable.

Other elevational changes comprise the insertion of a large window to the living room which would be located on the 1st floor rear elevation and therefore not highly visible to the street scene.

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

Impact upon residential amenity

No 280 Hollins Lane - The proposed front extension would project 1.6m directly adjacent to the boundary with the neighbouring property, No 280. This dwelling has a front window which is set off the boundary and as the depth of the proposed extension would be relatively minimal, it is considered outlook from this neighbours window would not be

significantly affected.

The proposed dormer would also be adjacent to this property but as an extension to the roof, views of the structure would be limited and it is therefore considered impact would not be significantly detrimental.

The existing window on the side elevation of the 2 storey outrigger which currently overlooks the garden of No 280 would be reduced in size and obscure glazed which would better the current relationship.

To the rear - A new window opening would be formed on the rear of the existing 2 storey outrigger and a Juliette boundary positioned on the rear of the dormer which would overlook the parking area associated with the application site. Beyond this boundary are houses on Chatsworth Close which are located at a much lower level. There would be a distance of approximately 10m from the proposed extensions to the rear boundary with the nearest neighbour on Chatsworth Close and as such separation distances are considered to be acceptable.

No 286 Hollins Lane - In terms of impact on No 286, there are existing windows in the side elevation of this property which face the gable of the application property. There are no proposed extensions or alterations to the side elevation which would affect the privacy or overlook No 286 and as such it is considered the proposed development would not detrimentally impact on the amenity of these occupiers .

It is therefore considered that the proposed development would not have a significantly harmful impact on the residential amenity of neighbouring properties and as such the proposed development is considered to be acceptable and would comply with EN1/2 and SPD6.

Highways issues - The proposed extension would be set back from the corner of the existing shop and as it would only project 1.6m, visibility of drivers exiting the site would not be hampered by the position of the extension.

The development, including the seating area at the front, would be fully contained within the confines of the site and as such would not obstruct the movement of pedestrians along the footway.

There is existing parking provision to the rear of the property and this would continue to provide for the shop and the residential flat.

The Highway Section have raised no objection to the proposed development.

The proposed development is therefore considered to be acceptable and would comply with policies EN1/2, HT2/4 and HT6/2.

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:

DELEGATED REPORT

- 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 - 450BUR-100 Location plan; 450BUR-101B Existing and proposed site plan; 450BUR-102 Existing plans; 450BUR-103 Existing elevations; 450BUR-104A Proposed ground and first floor plans; 450BUR-105A Proposed second floor and roof plan; 450BUR-106A Proposed elevations 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 car parking indicated on approved plan reference 21.609.05 Revision A shall be made available for use prior to the extension hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 4 Before the first occupation of the extension hereby permitted, the window hereby approved on the 1st floor side (east) elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	22/2/22		