

DELEGATED REPORT

Report by Tom Beirne	Date of report: 24/01/2023	Ref: 69114/FUL
Registration: 14/12/2022	LDFC: 10/01/2023	Expiry Date: 08/02/2023
Site Visit: 18/01/2023	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: MIDW

Proposal: Two storey rear extension with mansard roof at rear and front/rear dormers to form 3 no. additional flats to 1st/2nd floors

Location: 88 Rochdale Road, Bury, BL9 7AY

Description

The application relates to a two storey mid-terraced commercial property with a flat above, close to the junction with Heywood Road. The property is currently vacant and dilapidated. Brick and pebble dash on frontage with roller shutter on the shopfront. The row in which the property is situated is prominent and with no changes to the front roofplane, largely retains its original form when viewed from Rochdale Road. Large single storey flat roof extension covering the former rear yard area and extending to the access road at the rear - Back Mason Street. The attached property at No.86 is a hair salon and No.88 is a locksmiths shop. To the rear, across the Back Mason Street is a vehicular towing/ trailer business.

The proposal seeks to retain the retail use at ground floor and extend the first floor with new mansard roof back to the rear boundary to create three additional flats in addition to the existing. There would be two flats at first floor and two with the extended roofspace. There would also be flat roof dormers created over the front and rear roof planes. The extensions would be finished in brick and grey roof tiles.

Relevant Planning History

54526 - 1 No. non-illuminated projecting sign - Approve with Conditions 04/11/2011
56010 - New shop front and installation of roller shutter - Approve with Conditions 18/03/2013
66554 - Two storey rear extension with mansard roof and front/rear dormers to form 2 no. additional flats to 1st/2nd floors - Withdrawn - Invalid 07/11/2022
11/0397 - Erection of a projecting advertisement - 10/10/2011

Publicity

Immediate neighbour notified by letter dated 20/12/2023. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - Recommends refusal - see report below.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

Area	Rochdale Road/Lord Street/York Street
BY10	
S2/3	Secondary Shopping Areas and Frontages
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
EN1/8	Shop Fronts

EN1/7	Throughroutes and Gateways
H2/1	The Form of New Residential Development
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/2	The Layout of New Residential Development
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury

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.

Policy - In general, UDP Policy supports the retention of the retail use on the ground floor with residential above. The issue in this particular case is the size and design of the extensions and the intensity of the residential use and the lack of amenity space, associated parking and servicing.

Visual amenity and streetscape - Although the existing building and its immediate surroundings have poor amenity value, the site is on a main route into the town centre and as such any proposal should be of a sufficiently high quality that improves the built environment. The proposed extensions are large, incongruous and in design terms, are completely out of keeping with the existing building and its surroundings.

The proposal would be inappropriate in massing and design terms and would be completely out of character with the existing building and surroundings and contrary to UDP Policies H2/1 The Form of New Residential Development, H2/3 Extensions and Alterations and EN1/2 Townscape and Built Design and associated guidance in SPD6.

Residential amenity - Adding a further three residential flats in addition to the existing flat without any residential amenity space would be completely unacceptable in terms of the residential amenity of future occupiers. The proposal is therefore contrary to UDP Policies H2/1 The Form of New Residential Development, H2/3 Extensions and Alterations and associated guidance in SPD6.

The properties on either side have retail/commercial uses at ground floor with residential above. Whilst the relationship to the flats on either side is not ideal, it is not considered that the extensions would have such a seriously detrimental impact as to warrant refusal on grounds of residential amenity. The proposal would therefore be, on balance, acceptable in terms of the neighbours residential amenity and complies with UDP Policy EC4/1 Small Business.

Highways - The creation of three additional apartments within the property significantly intensifies its use and increases the requirement for residential amenity space, servicing and parking. The traffic team have recommended refusal as the proposal is unacceptable and contrary to UDP Policies H2/3 Extensions and Alterations, HT2/4 Car Parking and New Development and guidance in supplementary documents SPD6 Alterations and Extensions and SPD11 Parking Standards in Bury.

Servicing - The small bin store at the rear of the premises would be barely adequate for the existing retail and residential uses and it would be considered inadequate for the more intensive residential use in conjunction with the retail use. It would be likely that the bins would spill over onto Back Mason Street.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, massing and design, be out

of character with the existing building and constitute an incongruous feature within the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 Townscape and Built Design, EN1/7 Throughroutes and Gateways, H2/3 Extensions and Alterations and guidance in SPD6 Alterations and extensions and SPD16 Design and Layout of New Development in Bury.

- 2 The size of the site is inadequate to accommodate the proposed additional residential development whilst satisfying reasonable requirements for residential amenity space. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 Extensions and Alterations and H2/1 The Form of New Residential Development and guidance within SPD6 Alterations and Extensions.
- 3 The proposal would result in the intensification of use of a property with no off-street parking facilities, which is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposal is therefore contrary to UDP Policies H2/3 Extensions and Alterations, HT2/4 Car Parking and New Development and guidance in supplementary documents SPD6 Alterations and Extensions and SPD11 Parking Standards in Bury.
- 4 The proposal does not provide adequate refuse collection facilities for the number dwellings and mix of uses on the site, which is likely to lead bins being stored on the adjacent adopted highway, to the detriment of highway safety. The proposal is therefore contrary to UDP Policies H2/3 Extensions and Alterations, EC4/1 Small Businesses and HT2/4 Car Parking and New Development and guidance in supplementary documents SPD6 Alterations and Extensions.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	24/01/2023		