

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/10/2023	Ref: 69795/FUL
Registration: 01/09/2023	LDFC: 26/09/2023	Expiry Date: 27/10/2023
Site Visit: 15/09/2023	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Conversion of existing vacant workshop to 1 no. dwelling

Location: Rear of 120 Water Street, Radcliffe, Manchester, M26 4BE

Description

The site relates to a vacant two storey detached brick building which had previously been used as a workshop at ground floor with office/storage above. The building has a floor area of 21.4 sqm. On the front elevation are double doors opening out onto the street with one window directly above at first floor.

The property is located to the rear of a terraced row on Water Street which are part of a Local Shopping Centre. The property is positioned fronting a turning and parking area which serves this row and the residential properties which are formed along Water Lane to the north of the building.

A Prior Approval application was made to change the workshop/store building to 1 no. new dwelling which was refused as the existing use did not fall under any of the eligible use Classes specified in Part 3 Class MA Paragraph MA.1 (2) and the building also required operational development for works to the front elevation which is not permitted under Class MA.

This application seeks full planning permission for the conversion of the building to a 1 no. bed dwelling.

The front elevation would be altered to provide a single inward opening front entrance with a window either side and vertical boarded panels beneath the windows. A new replacement window at first floor would be inserted.

Internally, living and kitchen accommodation would be at the ground floor with a bedroom and bathroom at first floor.

The footprint of the building defines the curtilage of the property and there would be no external amenity provision. The waste bins are proposed to be stored in the rear yard of No. 126 Water Street which is an HMO in the ownership of the applicant.

Relevant Planning History

69427 - Prior approval for change of use from Class E (workshop and store) to class C3 dwellinghouse - Refused 19/5/23

Publicity

Letters sent on 4/9/23 to 30 adjacent properties.

Two objections received.

- Write on behalf of 7 other residents
- Already parking problems in the area and the development would add to this - blocking in the rear yards of the row of terraces.

- deliveries to the shops cause access and parking congestion
- At the moment the refuse collectors cannot access the area due to traffic congestion
- Restricted access in an emergency
- No area for bins which would cause problems in the cul de sac.
- Properties 120A and 122A make up the rear wall of the site
- Would not give permission to come onto my property
- There is an established ivy plant that grows up the walls and doing any maintenance would kill the ivy
- This address also encroaches onto the rear of 118 Water Street.
- It is not suitable for a dwelling there, the area is now over crowded since the recent multiple occupancy dwelling that's been built, 2 other houses and a shop all within a few metres of each other, if the area was designed for this many people and cars it would of been done originally
- Applicant has already turned 126 Water Street into multiple occupancy for 4 tenants, also turning 132 Water St into 2 houses (possibly also multi tenancy) and a shop. Not improving the area.
- This particular section will be over populated/ over crowded and will not be parking for all the extra vehicles. Potentially blocking emergency transport access, I won't be able to park my own vehicle outside my property either, the building is also attached to my wall and forms part of my yard.
- Don't feel this should go ahead as it will be too dangerous. We are limited to park at present this will make it worse.
- The apartments will be affected which they already have been with floods and the drains.
- Vermin also established tenants feel there is no need for this proposal.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal on insufficient information for surface water and bin store arrangements.

Environmental Health - Contaminated Land - No objection subject to conditions

Borough Engineer - Drainage Section - No response received.

Waste Management - No response received.

United Utilities (Water and waste) - No response received.

Environmental Health - Pollution Control - No comments

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H5/1	Area Improvement
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN7/5	Waste Water Management
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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.

Policies

UDP 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.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping, spacing between dwellings and external areas.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

Principle - Housing

The site is located close to Radcliffe Town Centre and within an area of mixed development of commercial businesses and shops and residential accommodation.

The proposal for a residential unit would not conflict with the local environment in terms of the nature and character and surrounding land uses and there is existing infrastructure in place. As a land use, the proposal for a residential dwelling in principle would be acceptable.

However, the proposed development will need to consider factors including the layout, impacts on residential and visual amenity, access and parking provision

Principle - Conversion

The building is currently vacant and although it is not known when the building was last occupied, google street images from 2008 shows either a species of tree/ bush or ivy plant has sprouted from the roof or inside the building and over-run the upper half of the building. Following a site visit carried out in September 2023, this vegetation had completely taken over the whole building and it is now barely visible.

Trees or dense vegetation or ivy growing inside or on a building can cause significant structural damage to the integrity of a building. As the building is proposed for a residential use, it would not be unreasonable to require a structural survey to assess whether or not the building is structurally sound and capable of conversion for residential purposes.

No structural survey has been submitted and there is no reference to the current condition of the building in the application submission.

Should structural building works or any works to the roof be required a bat assessment would need to be submitted to survey the building for bat roosting potential.

It is therefore considered that there is insufficient information submitted at this time to reach the conclusion that the building would be capable on conversion without significant restructural or rebuilding works and without causing harm to a protected species.

Layout

Chapter 12 - Achieving well-designed places of the NPPF at para 130 f) states that development should promote health and well-being with a high standard of amenity for existing and future users.

The site comprises the footprint of the building only and there would be no private amenity space or garden area for future occupiers. There are other properties in the area comprising flats or terraced properties but most would tend to have some amenity space, whether this be a back yard or balcony. Whilst a conversion development, good practice and good planning should try to ensure that amenity space is provided for occupiers to be able to sit out or dry washing for example.

As there is no curtilage, there would be no area to store bins externally. The applicant is proposing that the bins for the property be stored in the rear yard area of No 126 Water Street which is located opposite the site and in the ownership of the applicant. Unless for communal living or a flatted development, occupiers of a dwelling should not expect a bin store to be located remotely from where they live. In addition, the ownership of No 126 could change in the future and therefore bin storage may no longer be available for the new dwelling.

Footnote 49 of chapter 130 the NPPF also goes on to say that planning policies may make use of the nationally described space standard, where the need for an internal space standard can be justified.

In terms of the internal layout, living/kitchen accommodation would be provided at the ground floor and one bedroom and bathroom at the first floor. The development would provide 42.84 sqm of space. According to the Technical housing standards - nationally

described space standards, a 1 bedroom 2 storey dwelling should provide 58 sqm of space, and as such this would be below the standard minimum requirement.

The ground floor would be lit by two windows either side of the front entrance door which would serve the single room and which could provide acceptable living standards. For the upper floor, there would be no natural light to the bathroom and a single window would provide light to the bedroom. Again this could be accepted but better natural light could be provided by installing roof lights.

It is therefore considered that the layout of the proposed development in terms of the lack of any outdoor amenity space and the remote bin store facility which could not be secured in perpetuity would not be acceptable. In addition, the size of the dwelling would sub-standard and would not meet the advised technical space standards.

As such, it is considered the proposed development would be contrary to policies H2/1 and H2/2 and chapter 12 of the NPPF.

Design and appearance

External alterations would be relatively minimal and proposes replacement of the double opening doors with a central inward opening door and two windows either side with timber paneling below. The window at first floor would be replaced in the same position as the existing.

It is therefore considered that the proposed alterations would be acceptable within the street scene and comply with H2/1 and EN1/2.

Impact on residential amenity

The building is located directly on the boundary with the yard and part of a wall to Nos 120 and 122 Water Street. There are no windows proposed to the side elevation which would overlook the yard or the rear of these properties and any maintenance issues requiring access from these properties would be a private matter.

The only openings would be on the front and this would not overlook any properties but would overlook land not in the applicant's ownership. This is generally unacceptable as there is the potential for sites to come forward for development at a later date. However the front of the site provides a turning, servicing and parking area and given the context of its setting, it is unlikely that this area would be redeveloped. As such it is considered that in this case the proposed development would be acceptable.

It is therefore considered that the proposed development would not cause significant harm to adjacent occupiers and would comply with H2/2 and EN1/2.

Highways issues

It is proposed to alter the front door to an inward opening access which would better the existing arrangements as the doors currently open out onto a footway.

There is no parking proposed for the dwelling but given it is in a high access area for a relatively small scale development for one bedroom this is considered acceptable.

However, the plans do not show how surface water drainage and water run-off from the building would be dealt with, as it would not be acceptable for water to discharge onto the public highway. As such insufficient information has been submitted in this respect.

In addition, the highways section have raised the issue that the remote bin store would not be acceptable which has been covered in the above section.

The Highways Section have therefore recommended refusal on insufficient information to deal with surface water drainage and inadequate bin storage arrangements.

The proposed development would therefore be contrary to policies H2/1, H2/2 and EN7/5 -

Waste Water Management.

Response to objectors

The issues of access, parking and impacts on residential amenity have been covered in the above report.

The applicant has signed Certificate A which states that they own all the land to which the development relates. If the building ties into a wall or any part of a property not in the applicant's ownership then Certificate B will need to be signed and Notice served to the relevant owner of the property. This would need to be verified in any future planning application.

Recommendation: Refuse

Conditions and Reasons:

- 1 The application and submitted plans contain insufficient information to enable them to be properly assessed relating to the structural integrity of the building and capability of the building to be converted for residential living purposes and thereon insufficient information to demonstrate that there would not be harm caused to a protected species. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN6/3 - Features of Ecological Value and the principles of the NPPF.
- 2 The size of the site is inadequate to accommodate the development proposed in terms of providing an acceptable size of accommodation to comply with Technical housing standards - nationally described space standards and satisfying reasonable requirements to provide amenity space about the dwelling. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/1, H2/2 and the principles of the NPPF.
- 3 The application and submitted plans contain insufficient information to ensure that adequate surface water drainage and bin storage arrangements can be provided without adversely impacting the adjacent highways. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development and EN7/5 - Waste Water Management.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	16/10/23		