

Nine Flats Above Shops

65-69 Rochdale Road Bury BL9 4AX

AMENDED PLANNING STATEMENT

Introduction

Originally, the planning application was submitted for ten flats but it was made invalid by the LPA. Revised plans are submitted for nine flats with increased storage areas including a janitor's/landlord's store, and two bin stores and two bike stores. The relevant page of the planning application form has been amended.

The application was invalidated on four counts which are now addressed:-

1. A clearer location plan has been submitted and accepted by you.
2. The proposed layout plan has been amended to show the position of the two accesses and the cycle and bin stores. The existing layout plan shows surrounding buildings.
3. a) A statement on minimised carbon emissions is submitted.

b) The statement also confirms that broadband will be provided. The infrastructure is already in place.

c) The nationally described space standards table is submitted confirming that the development is in accordance with PfE policy JP-H3: Type, Size and Design of New Housing.

The development complies with Part M4(2) of the Building Regulations for a conversion to flats on the upper floors of a building and is subject to building control (application (IN-2-2022)).

The density of the development at 278 units per hectare is appropriate for a town centre location in accordance with PfE policy JP-H4: Density of New Housing.

4. The S106 pro forma will be completed and returned by the applicant. It should not be allowed to delay validation of the application.

The application is submitted retrospectively for a development that is nearing completion. Initially, it was the applicant's belief that planning permission was not needed. Consent under Building Regulations was granted for 8 flats in January 2016 (number FP-2015-0581) and renewed in September 2020 (number FP-20-20277).

If the development had been carried out as approved the current planning application would not have been necessary. Since 2015 flats above shops have been "permitted development" not requiring a planning application as confirmed by the 2015 Town and Country Planning (General Permitted Development Order) (England) Order (GPDO) which states *that "up to 2 flats" per shop can be created as "permitted development" without need for a planning application*.

The GPDO was amended in August 2021. Flats above shops are still permitted development, with a planning application not required, but the planning authority needs to be notified under the "Prior Approval" procedure. In this instance the procedure was not followed and full planning permission is needed.

Work commenced but was held up by problems with builders and the onset of Covid. The work is being overseen by a private Building Control company with a decision date of 25 February 2022 and the reference IN-2-2022. During construction the development has evolved to include rear dormers and a total of 10 flats.

The property was originally a car accessory and parts shop with storage and an owner's flat on the first floor. Planning permission (number 51083) was granted in March 2009 for external alterations to form 5 new shop units and the work was carried out and the shops occupied.

The building is divided into 2 halves with 3 flats at first floor level and 2 at second floor level on each side, a total of 10 single bedroom flats. There is an entrance door and staircase to each side of the building. There are 2 bin stores next to the entrances as well as two bicycle stores.

Planning Policy

The *National Planning Policy Framework* (NPPF) requires planning applications to be determined in accordance with the Development Plan with the emphasis on sustainable development. Additional housing is therefore appropriate in existing towns where it is accessible to jobs, shops and services without the need for a car.

A variety of dwelling types is encouraged. The local planning authority cannot demonstrate an adequate supply of deliverable housing sites and the benefits of allowing the development would outweigh any adverse impacts.

The *Bury Unitary Development Plan* (UDP) identifies the site as being within the town centre. Policy TC2-1 supports the residential use of vacant upper floors.

Places for Everyone (PfE) is a Greater Manchester wide plan. The development complies with Housing Policies JP-H1 to JP-H4 to provide a variety of dwellings at a high density in sustainable locations. Carbon emissions are minimised (JP-S2). Full fibre digital connectivity will be provided (JP-C2). The PfE confirms that compliance with Nationally Described Space Standards for housing (NDSS) is required.

The *Draft Bury Local Plan* complements the PfE. The site is in the Town Centre (Policy TC1) and a Regeneration Opportunity Area (BE7).

Noise Assessment

Unlike a prior approval application, a noise assessment is not needed for a full planning application. However, to comply with Building Regulations, acoustic insulation must be provided between each individual flat and also between flats and the shops below. This is subject to testing before a completion notice is issued.

The windows are double glazed and the only anticipated external noise is from traffic. There are no nearby noisy uses. The property is just outside the main town centre. It is a detached building fronting the main Rochdale Road to the south, with Yarwood Street to the west and back streets to the north and east. On the far side of Rochdale Road are 2 retail units. The former public house on the opposite side of Yarwood Street has been converted into shops with flats above. To the rear is a mosque and to the east is a car park.

Carbon Emissions

As required by PfE, the development is consistent with Part L of the Building Regulations, 2022. It is not practical to install electric vehicle charging points. The flats are in a sustainable location with all necessary facilities within walking distance. Provision has been made for bicycle storage.

Bin Storage

Bin stores are provided next to both entrances to the flats. Coloured 1100 litre eurobins for waste and different recyclable materials will be collected by a private contractor.