

DELEGATED REPORT

Report by Claire Booth	Date of report: 05/01/2023	Ref: 69025/FUL
Registration: 27/10/2022	LDFC: 01/12/2022	Expiry Date: 22/12/2022
Site Visit:	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: Conversion from 3 no. flats to 1 no. dwellinghouse

Location: 128 Albert Avenue, Prestwich, Manchester, M25 0HE

Description

This application relates to the eastern half of a semi-detached property located on the south side of Albert Avenue, Prestwich, within the group of properties located opposite dwellings situated between Fort Road and Hardman Avenue. To the rear of the property exists a garden area.

The property is currently split into 3 flats and has two front doors, giving access to two of the three flats. The third flat is located in the rear portion of the ground floor and is accessed from a door on the side. There is access to the rear garden area at the side of the property.

Extending from the rear boundary of the application site is a large expanse of recreation provision. This appears to be in the form of allotments.

Planning permission is sought to change the use of the semi-detached property from the three flats to a 4-bed single dwellinghouse (Class C3 (Dwellinghouses)).

During the course of this application, amended plans have been received, showing the property to be three storey in height at the rear and have included the location of where refuse bins are to be stored.

Relevant Planning History

No planning history

Publicity

8 adjoining and nearby neighbours have been formally notified of these proposals. No representations have been received within the statutory consultation period or at the time of writing this report.

As stated above, during the course of this application, amended plans have been received, showing the property to be three storey in height at the rear and have included the location of where refuse bins are to be stored. These amendments have not materially altered the nature of the proposals and therefore there is no statutory requirement to re-advertise them.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/1	Visual Amenity
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict

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 proposal seeks to replace 3 residential flats/ apartments within the property with a single 4-bed dwelling. There are no local or national planning policies restricting the loss of existing dwellings.

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.

The site is located within the urban area, surrounded by established residential uses and close to routes well served by public transport and to facilities, goods, amenities and services. As such, the site is the most sequentially preferable for the release of land for housing. Prior to the property being converted to three flats the property was originally built and used as a single dwelling, as too were the other semi-detached dwellings on Albert Avenue. Therefore, returning the property back into a single dwellinghouse, is in principle acceptable.

Furthermore, the site falls in a sustainable location with regard to services and public transport. Thus, the principle of the development is acceptable, subject to consideration of the subsequent matters.

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Design and Visual Amenity - UDP Policy EN1/1 concerns itself with visual amenity. UDP Policy EN1/2 concerns itself with Townscape and Built Design. Policies H2/1c) and H2/2e) of the adopted Plan require the form and layout of residential development to have an acceptable impact on the character and visual amenity of the local area.

The application site is one of three pairs of semi-detached dwellings. located in a group, positioned on the south side of the street. These properties are identical in their design, form and scale. It appears that historically, these properties all contained a single doorway positioned centrally between timber pilasters with the doorway set back from these and the front facade, creating a covered porch area.

The proposals seek to alter the two existing raised doorways present on the front elevation by removing them and replacing then with one doorway with glazing proposed on either side of the door. Regretably the proposals do not seek to re-install this original feature, nevertheless, this change is considered to a positive enhancement to the existing property, removing the two separate entrance doors, and as it clearly indicates the proposed use of the property as a single dwellinghouse. The proposals thus accord with the UDP Policy EN1/1 and Policy EN1/2a).

Residential Amenity - Policies H2/1 and H2/2 concern themselves with the form and layout of new residential development and proposals are required to accord with a number of criteria, including the impact of proposals on residential amenity.

No external changes are proposed to the rear or side elevations of the property with a relatively minor change proposed to the front elevation. This change and returning the property to a single dwellinhouse will cause no greater impact to the amenity of nearby residents.

The proposed bedrooms and overall floor space would be compliant with the Technical housing standards – nationally described space standard in terms of minimum gross internal floor areas and and minimum bedroom floor space and dimensions.

Therefore the proposals are considered to accord with the requirements of Policy EN1/2 of the UDP.

In order to ensure that there is no adverse impact on the amenity of neighbours, it is recommended that the use of the property is restricted to Class C3(a) use.

Parking and Highway Safety - Policy HT2/4 requires all applications for development to provide adequate provision for car parking and servicing requirements, in accordance with the Council's adopted parking standards. Policy HT2/6 requires the provision to be made for the replacement of any car parking spaces lost.

Parking for properties on Albert Avenue appears to be on-street. Albert Avenue is considered to be within a sustainable location within walking distance of local services and amenities, community buildings and access to sustainable transport.

The maximum parking requirement for a four or more bedroom dwelling is 3 spaces. The maximum parking standard for three separate dwellings was also 3 spaces.

The existing 3 flats have 7 bedrooms in total and the property has no off-street parking provision. The proposed change of use will reduce the number of bedrooms to 4 and thus the proposals will cause no greater impact to on-street parking provision, and indeed should reduce the impact of residents of the existing property on on-street parking provision. For these reasons, the proposal is considered to accord with the aforementioned policies and is considered to be acceptable from a highway safety perspective.

Servicing

There would be adequate storage space in the rear yard area for refuse and recycling bins. To reduce the visual clutter of bins being stored on the street frontage a condition will be imposed requiring refuse bins to be stored at the rear of the property.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

Taking account of all of the above, the proposals are considered to accord with all relevant policies of the adopted UDP and it is therefore recommended that the application be approved, subject to the recommended planning condition.

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 the following drawings; numbered:

001.Rev. 1: Site Location and Block Plan, received 02 January 2023; and,

003.2 Rev. 2 Proposed GA Plans and Elevations, received 02 January 2023.

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 premises to which this approval relates shall be used for Class C3 (Dwellinghouse) and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: For the avoidance of any doubt and to safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies ENV1/2, H2/2, HT2/4 and HT6/2 of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	05/01/2023		