

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/12/2024	Ref: 71138/FUL
Registration: 04/11/2024	LDfC: 28/11/2024	Expiry Date: 30/12/2024
Site Visit: 28/11/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Conversion of 1no. dwelling to create 2no. apartments

Location: 438A Bury New Road, Prestwich, Manchester, M25 1BD

Description

The application relates to a detached dwelling house located on Bury New Road. The premises is set back from the main road, and located at a higher level than the footpath that runs across the frontage. The premises can be accessed on foot from Bury New Road, and by vehicle from Rectory Lane via a shared access. The shared access leads to an outbuilding and the rear of the adjacent commercial property that are outside of the applicant's control.

Planning permission is proposed for the conversion of 1no. dwelling to create 2no. apartments. The proposed apartments would both be 1no. bedroom properties with one at first floor, and one at ground floor. 2 no. parking spaces are proposed to the rear of the rear of the property, with bin storage proposed to the side.

The application is part retrospective, with the dwelling converted but external works not completed.

Relevant Planning History

None

Publicity

Letters sent to 14 neighbouring properties on 6th November 2024.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - no objections subject to conditions in relation to implementation of the car parking, bin storage and turning facilities.

Waste Management - no response.

Prestwich Village Neighbourhood Forum - Whilst, this conversion is not ideal - both flats have limited living and amenity space, they are within acceptable space standards and have their own parking spaces. Consequently PVNF will not be raising an objection

Pre-start Conditions - not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value

EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-C8	Transport Requirements of New Development
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-S5	Clean Air
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 (Residential)

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant undelivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed. The joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

The site is considered to be in a sustainable location for housing within the urban area and sitting outside the Green Belt. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the residential development of this site in principle.

Layout and Design

Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered.

The minimum density for the site would be 120 dwellings per hectare. The application form states that the site area is 0.0221 hectares. The proposal would therefore lead to a density of 90 dwellings per hectare. The proposal would therefore fail to meet the minimum density required. In this instance however the proposal would result in an increase of 1 unit at the site than existing and therefore the proposal is considered to be acceptable.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build. Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The proposal does not include any external alterations to the existing building. Externally an area to the side of the existing outbuilding that is outside of the applicant's control is proposed to be cleared to facilitate a parking space. Given the limited amendments required to facilitate the development, it is considered that the proposal would not have any detrimental impact on the visual amenity of the area.

Policy JP-H3: states that all new dwellings must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

Flat A would meet the minimum gross internal area for a 1 bed, 2 person single storey dwelling. The bedroom exceeds the minimum floor area and width for a double occupancy room. Storage can be provided within the proposed office space.

Flat B would meet the minimum gross internal area for a 1 bed, 1 person single storey dwelling. The proposed bedroom exceeds minimum floor area and width for a single occupancy room. Adequate storage is proposed with external, and internal areas shown.

The proposal would therefore comply with NDSS.

No details have been provided by the applicant to suggest that site specific conditions restrict the implementation of Part M4(2) and as such this can be secured by condition.

Amenity

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. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

Any assessment will take into account significant change in levels or new accommodation to be provided at a higher storey. In this regard, there should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference in each of the above cases.

A first floor side bedroom window for flat A is shown facing towards the side boundary with 18 Green Hill. Original floor plans submitted indicate that this relationship was present prior to the subdivision of the property and that this window already related to a bedroom an aerial photography confirms the presence of this window. As such it is considered the residential amenity would be retained.

The first floor front window of Flat A was previously a bedroom and will retain a habitable room use as a living/kitchen area. The office and side window would relate to non-habitable rooms.

The ground floor windows of Flat B have changed uses, but the front and rear windows are retained for habitable rooms whilst the side window would be retained for a non-habitable space.

Given the above it is considered that the proposal would maintain the existing relationships in relation to the neighbouring properties and habitable room windows. The proposal is therefore considered to comply with the policy considerations set out above.

Highways, Access and Travel

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to

demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

An existing access is proposed to be utilised to access the site. This is a shared access with the adjacent commercial premises adjacent to the site and no amendments are proposed to this access. No objections have been raised to this access by the Traffic Section.

Parking

In terms of parking standards, in addition to Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

1no. parking space per property is proposed, complying with the provisions made within SPD 11.

Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

Biodiversity net gain does not apply to retrospective applications made under section 73A of the town and country planning act as a pre-commencement condition cannot be applied to an application that has already commenced. The Planning practice guidance on biodiversity net gain also confirms that it would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain.

Carbon and Energy

JP-S2 - Carbon & Energy sets out the steps required to achieve net zero carbon emissions.

The applicant has submitted a statement that confirms that the completed property complies with Part L of the building regulations and that the dwellings have been completed with a variety of passive and active design features designed to reduce energy demand. As such it is considered that the proposal complies with the above policy.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The applicant has confirmed that the building is already equipped with full fibre.

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:

- 1 This decision relates to drawings numbered 502, 003, 002 Rev 4, Location Plan 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 and Places for Everyone Joint Development Plan listed.
- 2 The allocated car parking, bin storage and turning facilities indicated on approved plan reference GSS24113 502 shall be provided within 3 months of the date of the decision and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision and bin storage arrangements for the two uses of the building, and to minimise the standing and turning movements of vehicles on the shared rear access, in the interests of road safety. pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 3 The dwellings hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.
Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 16/12/2024		HL - 19/12/2024	