

DELEGATED REPORT

Report by Helen Pressley	Date of report: 19/12/2024	Ref: 70877/FUL
Registration: 21/06/2024	LDfC: 19/07/2024	Expiry Date: 16/08/2024
Site Visit: 22/07/2024	Site Notice: 22/07/2024	Press Date: N/A
08:05:00		
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Two storey rear extension

Location: 166A Walmersley Road, Bury, BL9 6LL

Description

The application relates to a flat roofed, end terraced property located within a shopping precinct facing Walmersley Road. A parking court associated with the shopping precinct is located to the front of the property accessed from Chesham Road. A yard, depicted by palisade facing is located to the rear of the site and is utilised for bin storage. Chesham Road runs along the side elevation of the property with Back Walmersley Road East located to the rear of the property.

Planning permission is sought for the construction of a two storey rear extension. The proposed extension would be located in the yard area of the property and would project approximately 2750mm from the rear of the existing property. The proposed extension would provide 2no. consultation rooms and a bin store at ground floor and a preparation room at first floor.

Planning permission has been submitted after the refusal of application 70552 and includes an amended ground floor layout and high level windows to address the previous reasons for refusal.

Relevant Planning History

42678: Attached two storey unit. A1 and A2 Use Ground Floor, B1 (Office) First Floor. Revision to Site Entrance and Exit. Approved with Conditions, 01/09/2004.

44519: Reserved Matters - Attached 2 storey unit, A1 & A2 Use (ground Floor), B1 Office Use (First Floor); Revision to Site Entrance & Exit. Approved with Conditions, 29/06/2005.

70552: Two storey rear extension - Refused, 20/05/2024

Publicity

16 neighbouring properties sent letters 28/06/2024.
Site Notice posted 22/07/2024

No representations received

Statutory/Non-Statutory Consultations

Traffic Section - Conditions requested in relation to the impact of the proposed extension on the adopted highway and the implementation of bin storage.

Environmental Health - Contaminated Land - No comments to make in relation to

Contaminated land and air quality.

Waste Management - No response

Borough Engineer - Drainage Section - No response

United Utilities (Water and waste) - No response

Pre-start Conditions - Agent has agreed with pre-start conditions.

Development Plan and Policies

EC4/1	Small Businesses
EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-S5	Clean Air
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
SPD 9	Conversion and Re-use of Buildings in the Green Belt
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
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.

Design and Layout

UDP Policy EC4/1- Small Businesses considers that proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan. 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 proposed rear extension, with parapet wall detailing would replicate the shape and style of the original and neighbouring commercial properties. The proposed extension is set in from the side boundaries of the site giving an impression of subservience. The use of matching materials is considered acceptable, and the proposed openings are considered to be suitably aligned.

It is considered that the proposal would not have a detrimental impact on the visual amenities of the area and therefore would comply with the Policy considerations set out above.

Amenity

There are no adopted aspect standards for relationships between commercial and 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.

At ground floor the former rear yard of No.1 and 1a Hansen Street is entirely covered in extensions with a blank wall facing towards the site. No. 3 Hansen Street has a single storey rear extension to the rear. The proposed first floor rear windows associated with the preparation room would be located approximately 7.2 metres from the rear boundaries of these properties complying with the aspect standards set out above.

The proposed rear first floor windows would be located approximately 16.5 metres from the first floor rear habitable room windows of these properties which is below the required 20

metres set out above. As such the applicant has introduced higher level windows 1.4 metres from the floor to restrict the outlook from these windows. Given that the proposal is for a commercial use, rather than residential use and the measures implemented it is considered that the proposal would not lead to a detrimental loss of privacy for the properties to the rear.

The proposed ground floor windows would face towards the blank rear elevation of No. 1 and 1a Hansen Street, and the boundary wall of No. 3 Hansen Street as such no detrimental overlooking is foreseen.

No side windows are proposed.

The proposed extension would be located approximately 16.5 metres from the original rear elevations of No. 1 and 1a Hansen Street, and No. 3 Hansen Street complying with the guidance above in relation to overbearing relationships.

It is therefore considered that the proposal would comply with the intentions of SPD 6 and is acceptable in terms of amenity.

Highways

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policy JP-C5 states that proposals should provide appropriate places and routes for servicing, deliveries and "drop-off". PfE policy JP-C6 includes the provision to create, where needed, dedicated separate space for people walking and cycling. In addition when considering layouts PfE Policy JP-P1 states that all development should be functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.

This is further supported by PfE Policy JP-C8 that states that the LPA should prioritise convenient and safe access to the site and buildings for all users and ensuring that the layout, design and landscaping of development prioritises the provision of safe, secure and attractive access to local services and facilities for pedestrians, cyclists and people with a disability.

The proposed extension would abut the adopted highway to the side and rear of the site, as the existing bin compound does. A bin store is proposed within the extension at ground floor with doors opening inwards. The proposal would enable space for 3no. 1100L bins to be stored off the adjacent highway. The bin store would be accessed from the rear of the site, as existing.

Due to the close proximity of the proposed extension to the adopted highway, and the potential for damage to be caused to the highway during construction the Traffic Section have asked for additional details to be secured by condition.

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.

The proposed extension would occupy an area of hardstanding and as such the de-minimis exemption applies.

Carbon and Energy

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

The proposed extension would be required to be built in accordance with Part L of the

building regulations complying with this 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 site is located within an area where full fibre is accessible if required complying with the policy consideration set out above.

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 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 drawings numbered PL01 Rev C, PL02, PL03, PL04, PL05 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.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details, on a topographical based survey of the site and adjacent highways, of the following have been submitted to and agreed with the Local Planning Authority:
 1. Dimensioned foundation details (in plan as well as in cross-section) and surface water drainage arrangements for the proposed two storey rear extension confirming that there will be no adverse impact on/no encroachment under/projection over/discharge onto the adjacent adopted highway;
 2. Finished floor slab levels relative to Chesham Road/Back Walmersley Road East;
 3. A scheme of footway works on Chesham Road/Back Walmersley Road East to a specification to be agreed, incorporating the reconstruction of the footway abutting the site required as a result of the construction of the extension and the

need to properly demarcate the limits of the adopted highway and all associated highway remedial works;

4. Measures at the interface with the adopted highway to ensure that there will be no level differences between the back of the footway and the site.

The details subsequently approved shall be implemented prior to the development hereby approved being brought into use.

Reason. To ensure good highway design and to maintain the integrity of the adopted highway pursuant to Development Plan Policies EN1/2 Townscape and Built Design, JP-C5 Streets for All, JP-C6 - Walking and Cycling and JP-C8 Transport Requirements of New Development.

- 5 The development hereby approved shall not be brought into use unless and until the off-highway, internal bin storage arrangements indicated on approved plan reference PL01 Revision B, incorporating inward opening doors, have been implemented and thereafter maintained at all times.

Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

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