

DELEGATED REPORT

Report by Helen Pressley	Date of report: 11/09/2024	Ref: 70965/FUL
Registration: 19/07/2024	LDFC: 15/08/2024	Expiry Date: 13/09/2024
Site Visit: 03/09/2024	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: COUS

Proposal: Change of use from offices (Class E) to 2 no. dwellings (Class C3) Reinstating 1m high metal fence along boundary

Location: Bury Family Centre, 72-74 Tenters Street, Bury, BL9 0HL

Description

The application relates to an existing, two storey detached building on the junction of Tenters Street and Walshe Street. The premises is currently utilised as office space.

Planning permission is sought to sub-divide the existing office space into 2 no. semi-detached dwellings. The proposal would include 1no. parking space to the rear of no. 74. Private amenity space, and bin storage is also proposed to the rear of the properties.

Relevant Planning History

48197 - Change of use from community centre (use class D1) to solicitors officer (Use class A2) - Approve with Conditions 25/07/2007

59417 - Change of use from non-residential institution (Class D1) to design consultancy office (Class B1) - Approve with Conditions 04/12/2015

70748 - Prior approval for proposed change of use from offices (Class E) to 2 no. dwellings (Class C3) - Prior Approval Required and Refused 03/07/2024

Publicity

Letters sent to neighbouring properties 25th July 2024. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Request conditions in relation to parking and driveway length.

Environmental Health - Pollution Control - No response

Waste Management - No response

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
H2/3	Extensions and Alterations

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-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) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

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 (e.g. some large sites could take up to ten years to be completed). In addition to the housing land supply in the SHLAA, 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 now able to demonstrate a deliverable 5 year supply of housing land when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test, 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 show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11d) 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, provides a clear 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, taken as a whole.

In terms of housing delivery the Borough has underdelivered against the local housing need, and as a result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 120 dwellings per hectare at this site. The total area of the site is approximately 0.0262 hectares, which based on a total of 2 dwellings would result in a density of 76 dwellings per hectare. In this instance however, given that this is a subdivision of a property that appears to have previously been two dwellings it is considered that the proposal would provide an acceptable density at the site.

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 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 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. 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.

The amendments to the fenestration of the building would be minimal, with the reinstatement of a side ground floor window proposed. All other openings would remain as existing. Internally there would also be minimal alterations with the reinstatement of walls to sub-divide the property and to provide rooms.

The yards to the front and rear of the property would be retained, with some of the amenity space for No. 74 being occupied by 1no. parking space. The existing boundary walls would be retained, and railings reinstated along the side boundary with Walshe Street to prevent unauthorised parking.

Policy JP-H3: states that all new dwelling 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.

Both properties would be 3 bed, 4 person, two storey properties with an overall GIA of 87.9 square metres exceeding the 84 square metres required by NDSS. The principal double bedrooms would exceed the minimum floor areas and widths, and the proposed single bedrooms would also meet NDSS requirements in relation to floor areas and widths. The amount of built in storage would exceed the required 2.5 square metres.

Overall it is considered that the design and layout of the proposal would be acceptable and would have minimal impact on the character of the streetscene. It is therefore considered that the proposal would comply with the policy considerations set out above.

Amenity

There are no adopted aspect standards for new residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case. SPD 6 also provides guidance on overbearing relationships for single storey and two storey extensions that can be applied.

- 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.

One side window would be reinstated at ground floor that would relate to a non-habitable room.

All other windows would be existing windows. It is acknowledged that there would not be 7 metres from the first floor rear bedroom windows and the directly facing rear boundary however, the bedroom window for No.74 would have an onward view of a blank gable and the bedroom window would have an onward view of a car park. As these windows are already in situ and in use as part of the existing office use it is considered that the proposed change of use of the building would not lead to a loss of privacy significant enough to warrant refusal of the scheme. An informative will be added however to state that these windows would not be protected should the adjacent site be redeveloped in the future.

Access

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.

It is proposed to install a railing along the side boundary of the site, adjacent to the adopted highway on Walshe Street to prevent illegal crossing of the highway to park on the existing paving.

An existing dropped kerb would be utilised to access the parking to the rear of the site and no objections have been raised by Highways in relation to this proposed access.

Parking

In terms of parking standards UDP 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.

For 3no. bed residential properties, in a high access area SPD 11 requires a maximum of 2 spaces per dwelling. The proposal would provide 1no. in curtilage space for both properties.

The proposal would be located within an established urban area with limited on street permit only street parking available for residents, which the proposal can utilise if required. The site is located within a sustainable location with links to public transport. In this instance it is considered given the nature of the existing parking provision in the area the proposal is

acceptable.

Biodiversity Net Gain

The site comprises of a building, and surrounding sealed surfaces. As such it is considered that the proposal would fall under the de minimis exemption and the statutory BNG condition would not apply.

Carbon and Energy

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

The applicant has confirmed that the conversion of the property would comply with Part L of building regulations, and would therefore result in an upgrade of U values for the existing walls and roof. Given that the proposal would meet part L it is considered that the proposal would comply with Policy JP-S2.

Digital Connectivity

Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The existing premises has full fibre, as such it is considered that the subdivided premises can be provided with a full fibre connection complying with Policy JP-C2.

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 Location Plan, 002, 003 Rev 2, 004, 502 Rev 2 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 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 The development hereby approved shall be carried out in accordance with a Sustainable Drainage Scheme based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).

The Scheme shall be implemented prior to first occupation and thereafter maintained.

Reason. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 5 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.

- 6 The car parking indicated on the approved plans, providing a minimum hardstanding of 5 metres shall be surfaced and made available for use prior to the development hereby approved being brought into use.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 7 The refuse storage to be provided within the curtilage of the site shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 8 The 1 metre high metal fence along the boundary with the adopted highway on Walshe Street shall be constructed prior to the development hereby approved being brought into use.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, 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 11/09/2024		DM - 11/09/2024	