

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/11/2023	Ref: 70120/FUL
Registration: 11/10/2023	LDFC: 07/11/2023	Expiry Date: 06/12/2023
Site Visit: 17/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 5	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from storage unit to 1 no. dwelling (Use Class C3)

Location: Storage unit to the rear of 2C Green Street, Bury, BL8 1TF

Description

The application relates to a storage building accessed from Green Street. The current building is access via an unnamed back street that runs along the rear of 325-331 Tottington Road. The existing building is a flat roof, single storey unit. The site is bounded by residential properties, with a commercial property facing the entrance of the site.

Planning permission sought for change of use from storage building to 1 no. bedroom dwelling. The proposed dwelling would comprise of a 1no. bedroom, 1no. bathroom and a living/kitchen area. The proposed dwelling would be accessed from Green Street with a drive and access indicated between the side of 2C Green Street and the rear of 325-331 Tottington Road. Parking is indicated on the proposed driveway for 1 no. vehicle.

Relevant Planning History

34200 - Conversion of storage building to living accommodation - Refuse 11/06/1998

Publicity

Neighbour letters sent 16/10/2023. 5 objections received in relation to:

- Applicant has made a number of development changed in and around Green Street all of which have greatly impacted on the residence in the street.
- Lack of parking
- Fencing off back street restricting access
- Loss of privacy
- Potential damage
- Noise
- Congestion
- Overcrowding
- Do not want an HMO at the back of my home
- Surrounded by dwellings that are still not occupied. Why is another dwelling needed?

Statutory/Non-Statutory Consultations

Traffic Section - recommendation for refusal due to the creation of a substandard access and parking arrangements, and inaccurate and insufficient information in relation

Environmental Health - Contaminated Land - On this occasion a full desk study and preliminary risk assessment is not required, and no conditions are recommended.

Environmental Health - Pollution Control - No comment

Waste Management - No response

Borough Engineer - Drainage Section - No response

Greater Manchester Ecology Unit - Potential ecological issues include bats, nesting birds and biodiversity mitigation and enhancement

United Utilities (Water and waste) - No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
H2/1	The Form of New Residential Development
H2/4	Conversions
H2/6	Garden and Backland Development
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
HT6/2	Pedestrian/Vehicular Conflict
EN6	Conservation of the Natural Environment
EN5/1	New Development and Flood Risk
EN7/3	Water Pollution
EN7/5	Waste Water Management
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) 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 (Residential)

The National Planning Policy Framework is 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. There is a particular emphasis to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with 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 five year 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). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land. In addition to this, past under delivery of housing has resulted in Bury having a 'low' housing delivery test result. This needs to be treated as a material factor when determining applications for residential developments.

Therefore, in relation to the proposed dwelling, 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.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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 and the surrounding buildings are predominantly in residential use. As such, the proposed development would not conflict with the surrounding land uses. The proposed site would be in a sustainable location with regard to services and public transport. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan in this respect.

Design and Layout

Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. Policy H2/4 - Conversions requires the application to be assessed in relation to the general character of the area, and the existing concentration of flats and the effect on the street scene of any changes to the external appearance of the building. Due to the location of the proposal, UDP Policy H2/6 - Garden and Backland Development will also be considered. This policy confirms that the Council will not permit proposals which would result in the loss of private gardens and for backland for infill development unless such proposals can be shown not to adversely affect the character and amenity of the area. In addition to this, Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The existing building is a former stables/storage unit that appears to have been associated with the former pub at No. 325 Tottington Road. The former pub has now been converted to residential use, with the associated car park also redeveloped to provide 3no. dwellings. The applicant states that the unit is currently in storage use but has been vacant for 4 years. The applicant states within the Design and Access Statement that they have been unable to let this unit, however no evidence has been submitted to substantiate this claim.

It is acknowledged that the conversion of buildings into self contained units can be an effective way of providing small, relatively low cost accommodation. However, it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of such property does not adversely affect the need to maintain a good mix of housing types, or adversely affects the character and amenity of residential areas.

The immediate area is depicted by two storey semi-detached, detached and terraced properties the majority of which are in residential use. The proposal would not reflect the scale, massing and grain of the neighbouring residential properties and whilst the building is already in-situ for storage uses, the conversion to residential would alter the character of this building creating a landlocked, infill residential development that would lead to an unacceptably high density of residential development in this locality.

The proposed development, by virtue of the position of the proposed dwelling to the rear of Green Street and Tottington Road with no street frontage and accessed by an unadopted road routed between established residential properties, would constitute an incongruous and inharmonious form of development that would be unsympathetic to the established arrangement of streets, buildings and spaces. The proposed development therefore conflicts with policies EN1, EN1/2 and H2/1, H2/2, H2/4 - Conversions and H2/6 of the Bury Unitary Development Plan and the National Planning Policy Framework.

The external alterations to the building would be minimal, and would involve replacing the access door with a window, and replacing the roller shutter door with a window and front door.

The neighbouring properties have various sizes of amenity space associated with them, from the yards associated with the traditional terraces to larger garden areas for the semi-detached properties. The proposed development would have an area of amenity space to the front however the proposed ground floor plans appears to utilise an area outside of the red edge plan to create amenity space and bin storage. The plans submitted also do not scale correctly electronically, with the proposed ground floor plan and proposed site plan not matching dimensions when measured at the indicated scale.

UDP Policies H2/1 and H2/2 require good quality residential environments and consideration of the density and character of the area. The NPPF also states that LPAs

should take into account “the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”. The need for carefully designed open spaces, and gardens is also highlighted in the MHCLG National Design Guidance.

Without accurate plans an accurate assessment of the level of amenity space for the proposed dwelling can not be adequately assessed. As such it is considered that insufficient information has been submitted to ensure that an appropriate amount of residential amenity space can be provided for the site. The proposal would therefore fail to comply with UDP Policy H2/1, H2/2 and the NPPF.

Residential 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. This is further supported by UDP Policies H2/1 and H2/4 that require the consideration of the impact of developments on residential amenity, and amenity of the occupiers.

Any layouts should comply with the following aspect standards:

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

The proposed bedroom window to the front of the unit, would be the only window for this room. Whilst boundary treatments are currently not in place for No. 2C Green Street the proposed ground floor plan shows a 2 metre fence along the shared boundary with the site. The proposed bedroom window would be approximately 1.8 metres from this fence. Whilst the fence may be below a full 1 storey in height it is considered this distance is insufficient to protect the amenity of any future occupier and would lead to an overbearing relationship between the proposed and existing uses.

Two of the proposed front kitchen/lounge windows would be located approximately 3.5 metres from the indicated front fence. Whilst this is a better relationship than the bedroom window discussed above the combination of the majority of the windows associated with the proposed residential unit, and the proximity of the proposed boundary treatment would lead to poor amenity for the future occupiers. The third window when reviewing the proposed ground floor plan would appear to overlook an area that may be associated with access to the properties on Tottington Road however this has not been made clear on the submitted plans.

The location of the proposed boundary fencing would be seriously detrimental to the residential amenities of the future occupiers by reason of its overbearing position in relation to the windows for the proposed dwelling. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

Access and Parking

UDP Policy H2/4 requires the Council to have regard to the car parking and servicing requirements following the conversion of a building. SPD 11 provides guidance on the provision of adequate parking facilities for development.

1 parking space would be sufficient for the dwelling.

In addition to UDP Policy H2/4 set out above UDP Policy EN1/2 - Townscape and Built

Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development 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, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The existing unit does have an existing access from Green Street along an existing unadopted road to the rear of the properties on Tottington Road. This unadopted road does not appear to be suitable for vehicular access to the existing unit due to the lack of appropriate existing turning facilities on site. This poor access would have been in situ when the adjacent residential development was approved. The proposal shows this access being utilised as a driveway to the property and the limited turning facilities already on site being utilised as amenity space. This would lead to access and parking arrangements that can not be entered and exited in forward gear. In addition no information has been provided in relation to visibility from this proposed driveway. The proposal would therefore result in the creation of sub-standard access and parking arrangements on/adjacent to Green Street, which would be detrimental to highway safety and maintaining the free flow of traffic on the adopted highway.

As discussed above there appears to be an area to the side of the proposed driveway that could be used as access to the rear of the properties on Tottington Road however only 9 metres of this "access" is shown on a plan and this has not been annotated as such. No details have been provided by the applicant over who currently has a right of access via this unadopted road. A fence has also been erected to the side of no. 2C Green Street, and along the rear of the properties of Tottington Road that are not shown on the approved plans for application 67315, and are not shown on the proposed plans for this application which narrows the access. This issue has already been reported to planning enforcement. It is therefore considered that the application and submitted plans contain inaccurate and insufficient information in order to properly assess the impact on access to adjacent properties both fronting Green Street and Tottington Road.

Ecology

UDP Policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological value seek to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

Bats could theoretically roost in the building proposed for conversion. The building appears however to be in good condition and the development involves minimal disturbance to the existing building. GMEU are satisfied that the risk of an adverse effect on bats is very low and have recommended an informative.

The site appears to lack bird nesting opportunities, and GMEU are satisfied that the risks of nesting birds being present is very low. However, as no ecological or arboricultural report has been provided and not all the site can be seen from the photographs provided and streetview, as a precaution an informative has been recommended in relation to the Wildlife and Countryside Act 1981 as amended.

The development site appears to have no vegetated habitats or wildlife value. It also only covers a very small area. The proposed site will include a small lawn. There will therefore be a net gain in vegetated habitat. The provision of a small garden can be conditioned.

No further information or measures are required.

Response to representations

It is considered that the material considerations raised have been addressed within the

main body of the report.

The proposal is not for an HMO.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of the position of the proposed dwelling to the rear of Green Street and Tottington Road with no street frontage and accessed by an unadopted road routed between established residential properties, would constitute an incongruous and inharmonious form of development that would be unsympathetic to the established arrangement of streets, buildings and spaces. The proposed development therefore conflicts with Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions and H2/6 - Garden and Backland Development of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 2 The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to proposed residential amenity space for the dwelling. The submitted plans do not scale accurately and contain conflicting information in relation to the extent of the land associated with the proposal. The proposed development therefore conflicts with Unitary Development Plan Policies H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development and the National Planning Policy Framework.
- 3 The location of the proposed boundary fencing would be seriously detrimental to the residential amenities of the future occupiers by reason of its overbearing position in relation to the windows for the proposed dwelling. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 4 The proposal would result in the creation of sub-standard access and parking arrangements on/adjacent to Green Street, which would be detrimental to highway safety and maintaining the free flow of traffic on the adopted highway. The proposed development therefore conflicts with Unitary Development Plan Policies H2/4 - Conversions, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 5 The application and submitted plans contain inaccurate and insufficient information in order to properly assess the impact on access to adjacent properties both fronting Green Street and Tottington Road. The proposed development therefore conflicts with Unitary Development Plan Policies H2/4 - Conversions, EN1/2 - Townscape and

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Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 16/11/2023			