

DELEGATED REPORT

Report by Claire Booth	Date of report: 04/07/2023	Ref: 69417/FUL
Registration: 06/03/2023	LDfC: 21/04/2023	Expiry Date: 01/05/2023
Site Visit:	Site Notice: N/A	Press Date: 30/03/2023
Objections: 0	Con Area: BURY	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use of existing offices (Use Class B1) to 9 no. apartments (Use Class C3) with internal and external alterations to include provision of bicycle rack and bin storage and erection of boundary wall and gates at rear

Location: 18-20 St Marys Place, Bury, BL9 0DZ

Description

The application relates to a pair of townhouses, number 20 being an end terraced property and number 18 being the mid terraced property. In effect the properties have been combined as one occupied area. The original property is from the late Georgian period in a row of similar terraces which are all Grade II listed is within Bury Town Centre conservation area.

The terrace, built in the late Georgian style, fronts onto an open square now used for parking. The properties on St Marys Place are mainly two-storey but have cellars and a usable roof space. Each property within the terrace is of two bays with three windows and a door in the front elevation and both single and two storey outshots and a mix of windows at the rear. All roofs are pitched and covered in natural blue slate. The properties were built as dwellings in the expanding residential part of the town centre that prospered in the early to middle of the 19th century. The original rear gardens are now completely taken over by private car parking/ open hardstanding.

The properties subject to the application have been knocked through to form one unit and have been significantly altered internally. They were last used as offices by the Council, which falls into a E (b) (Office) use class. The property has been vacant for approximately two years.

Planning permission is sought to change the use of the building from an Offices (Use Class E) (one planning unit) to 9 self contained apartments, external alterations changing external escape doors to windows, changing a ground window to a door, and the erection of boundary wall along the rear boundary of the property

There would be 4 apartments on each of the ground and first floors with an apartment within the loft space, thereby resulting in 9 residential apartments.

Relevant Planning History

66370 - Listed building consent for installation of fibre cables into the building - Withdrawn - Invalid, 19/01/2021

66730 - Listed building consent for installation of fibre cables into the building - Approved with Conditions, 17/05/2021

69418 - Listed building consent for Change of use of existing offices to 9 no. apartments with internal and external alterations to include replacement doors, provision of bicycle rack

and bin storage and new boundary wall and gates at rear - Under consideration.

Neighbouring property: 14 - 16 St Marys Place

63520: Change of use from massage institute (Class D1) to 2 no. 7-bed houses of multiple occupation (HMO); External alterations to include replacement windows/doors, bicycle/bin storage at rear and boundary wall/gates at rear. Approved with Conditions 20/02/2018.

63521: Listed Building Consent for change of use from massage institute (Class D1) to 2 no. 7-bed houses of multiple occupation (HMO) with internal alterations and external alterations to include replacement windows/doors, bicycle/bin storage at rear and boundary wall/gates at rear. Approved with Conditions, 20/02/2018.

PLEASE NOTE THIS IS NOT ALL THE HISTORY.

Publicity

Due to the site being a Grade II listed building, located within the Bury Conservation Area, the application has been advertised by Press Notice and Site Notice. 41 adjoining and nearby neighbours have also been notified by letter.

No representations have been received to this consultation process.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to a condition requiring full details of the proposed rear boundary wall, and the proposed bin storage arrangements and a condition securing the cycle storage facilities shown on the plans.

Conservation Officer - No objections, subject to conditions securing suitable materials.

Planning Policy - No comments or observations received.

Housing - Public Protection - No comments or observations received.

Waste Management - No comments or observations received.

Environmental Health - Pollution Control - No comments or observations received.

Greater Manchester Police - designforsecurity - No comments or observations received.

East Lancashire Light Railway Co Ltd - No objections.

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

Unitary Development Plan and Policies

EN2	Conservation and Listed Buildings
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1	Built Environment
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN7/2	Noise Pollution
HT6	Pedestrians and Cyclists
HT6/1	Pedestrian and Cyclist Movement
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD15	Residential Conversions
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.

ASSESSMENT

Principle of Development

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. The site is

located within Bury Town Centre and is therefore in a highly accessible and sustainable area.

UDP Policy H2/4 (Conversions) is an important consideration. It is recognised that the conversion of buildings to HMOs can, in some cases, raise issues such as parking, residential amenity and impact on character and appearance of an area. This policy states that applications for the conversion of a building into a house of multiple occupation will be considered with regard to the following:

- the effect on the amenity of neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes;
- the general character of the area and the existing concentration of flats;
- the amenity of occupants;
- the effect on the streetscene of any changes to the external appearance of the building;
- car parking and servicing requirements.

This policy is further supported by Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation (SPD13) that provides guidance to developers, and seeks to ensure that proposals for MHOs do not have a detrimental effect on the amenity of surrounding residents through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes.

All of the above policy requirements stated above will be discussed throughout this report.

Impact on character of Listed Building and the character and appearance of the Conservation Area.

The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

In respect to Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the courts have said that these statutory requirements operate as 'a paramount consideration' and 'the first consideration for a decision maker'. The NPPF emphasises this and the importance of minimising harm to heritage assets and seeking protection of the most important heritage assets.

The impact on the Listed Building

The application property, which was originally constructed as a block from number 2 to number 20 built in 1845, consists of well proportioned early Victorian townhouses, most of which have two storey outriggers to the rear. In this particular case, there is also a further more modern outrigger, period of construction possibly 1980's/1990's. At the same time, the wall facing east abutting the boundary of the East Lancashire Railway, in the existing outrigger, was rebuilt and then the extension beyond that. Furthermore, the gable end to number 20, which faces onto the railway was also rebuilt.

The property was formally owned by the local authority and 18 to 20 were in effect one property with structural openings in the party wall between number 18 and number 20. Many of the features internally are missing. There are no original fireplaces and the only

detailed cornice is within the hallways of number 18 and 20.

There is only one original staircase which is in number 18. The staircase to number 20 was removed, and there is no original staircase up to the attic rooms. The one which leads up to the attic room currently which is situated in number 20 is a modern staircase.

The internal joinery is a mixture of some original skirting, but very few and the architraves and linings to the windows have all been renewed in a more modern material, in some cases pvc. The windows are timber softwood sliding sash and double glazed.

Unfortunately, much of the interior has been lost in terms of its quality, with only the hallways and archways on the ground floor retaining their original features.

The hallway, Archway and the original stairway are to be retained as part of these proposals.

Externally, all existing windows and doors are to be refurbished and re-painted. This will be an improvement to the existing appearance of the building.

Changes proposed to the external fabric of the building include altering a ground floor window on the west side elevation of the original two-storey outrigger is proposed to be altered to a doorway, to create a rear access door to the proposed outside amenity area, a steel escape stair to the eastern elevation is to be removed with the first floor doorway changed to a window. Mechanical ventilation extraction points are proposed on both sides of the two storey outrigger. It is proposed to install 6 roof lights on the rear roofslope, 3 on each property to give natural light to the stairwell, lounge, bedroom and en-suite. The front elevation of the property is to remain unchanged and would be enhanced by the windows and doors being refurbished and re-painted.

The LPA initially had concerns over the introduction of a new door on the western elevation of the two-storey rear outrigger. However, the LPA has secured alteration of the existing window only (rather than part of the original wall). This change is considered to be much less harmful to what was originally proposed. Furthermore, paragraph 92b of NPPF, states that there should be a safe environment for communities. Therefore, residents would not have to walk along a public thoroughfare which is currently used by people walking past St Mary's Place towards the railway station. Therefore, the creation of the doorway will allow a safe passage for residents into the private yard to the bin store without having to engage with the public, particularly in dark evenings and purely for safety reasons the door is beneficial.

The character of the building would not be particularly altered by the proposals as there are no additional openings, except for the one door opening on the inward facing element of number 18, the removal of two single chimney stacks within the rear outrigger and the introduction of 6 rooflights to the rear, none of which are particularly significant as has been assessed within the submitted heritage statement.

The above proposals are considered to cause less than significant harm to this designated heritage asset. Therefore, provided all external changes are carried out sympathetically, and the proposed infill where doors are being altered to windows, are undertaken in sympathetic materials and the alteration proposed changing the ground floor window on the western elevation to a door is done sympathetically, the re-occupation and re-use of the building will safeguard this listed building from further deterioration and secure a viable future for the listed building. Accordingly, subject to planning conditions ensuring appropriate materials are used externally, the proposals accord with the requirements of paragraph 202 of the NPPF and S66 of the Act.

The impact on the Conservation Area

The property forms part of a square of properties on St Mary's Place, Tenteren Street, and

Back Manchester Road. The property is within the boundaries of the Bury Town Centre Conservation Area and the St Mary's Place is a significant row of properties.

The alterations that have already taken place to the building by previous owners have not been particularly complimentary, and the only real change in the external appearance of the building that would be noticeable from the public realm would be the rooflights to the rear elevation and the erection of a boundary wall and railings. The property whilst it has an open aspect to the front, has relatively modern office buildings to the rear. Subject to conservation rooflights being used, appropriate brick infills are used and the ventilation hoods submitted are used, which will be secured by condition, the proposal would not be demonstrably harmful to the character and appearance of the conservation area. Subject to the recommended planning conditions, the proposal is considered to accord with Policy EN2/2 of the UDP and the requirements of S72 of the Act.

Residential Amenity

The immediate vicinity of the site is characterised by offices to the rear and as such there are no existing residential properties affected.

At the side of the property, attached, no. 14-16 St Mary's Place is in use as a HMO - House in Multiple Occupation. All properties on St Mary's Place have two-storey outriggers which have windows on the side. These windows are to be fitted with either window film to the lower panes, or obscure glazed to prevent direct overlooking. A condition is recommended to secure this and further details.

Amenity of Future Residents

Each apartment is to be self-contained, and would include a kitchen, living room, bedroom and bathroom. The habitable room areas would each be served by existing windows/ natural light and each of the apartments accord with the National Space Standards (2015). The proposed apartments would therefore provide satisfactory living accommodation.

All apartments would also have access in to the outside amenity and bin storage area. This area is the historic extent of the property and is not very big. Nevertheless, it does accommodate the necessary refuse storage provision and provides a small seating area, given the proposal would result in the re-use of this listed building, this overrides the need to provide greater outside amenity space.

Overall, the proposals would provide a satisfactory level of accommodation in this Town Centre attractive property. Subject to the recommended planning condition, there would be no serious residential amenity concerns with regard to the proposed use and as such the proposal is acceptable and complies with the NPPF and UDP Policy H2/4 Conversions.

Highway Safety and Servicing

There is no on site parking although a cycle store of a size sufficient for the number of occupants is proposed in the rear yard. The cycle store provision accords with the standard set out in SPD11. The site is within the town centre and therefore is highly sustainable in terms of transport links. Given its central location and the potential traffic generated by the former office use, the proposed self-contained apartments are considered acceptable in terms of the impact on traffic. The Traffic Team have no objection to the proposed change of use which is considered to comply with the NPPF and UDP Policies HT2/4 Car Parking and New Development and H2/4 Conversions.

Disabled Access - As the property is accessed from the street by steps, with no lifts or ramps, the accessibility for mobility impaired is currently limited. Given the nature of the site and surroundings and its listed status, it would be extremely difficult to make the buildings fully accessible without significantly and detrimentally affecting the character of the listed building and the character and appearance of the conservation area. It is therefore considered that in this case, there are exceptional circumstances that would allow the scheme not to be fully accessible in terms of Building Regulations Approved

Conclusion

Subject to all of the above, and the recommended planning conditions being imposed, the proposals are considered to accord with the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and the aforementioned mentioned policies of the UDP and the NPPF.

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 permission relates to the following plans:

Dwg. no. 22/1289/100 - Location Plan - Submitted with application
Dwg. no. 22/1289/201D - Proposed Site Plan - Submitted with application
Dwg. no. 22/1289/206A - Streetscene - North elevation, received 30.05.2023;
Dwg. no. 22/1289/201D - Proposed Site Plan, received 06.05.2023
Dwg. no. 22/1289/208A - Proposed Section through Attic, received 06.05.2023
Dwg.no. 22/1289/202F: Proposed Ground Floor and Cellar Layouts, received 06.05.2023
22/1289/203D: Proposed First Floor and Attic Layouts, received 06.05.2023
22/1289/204D: Proposed Elevations, received 06.05.2023;
22/1289/205A: Proposed Streetscene - South Elevation, received 06.05.2023;
Flushfit Slate Vent VS2 - Product Code: ILSRV/10/20; and,
Cast Iron Air Brick Specification Sheet - Item NoS: CON3.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 Prior to any of the approved external alterations taking place, sample materials for the proposed brick infills shown on Drawing no. 22/1289/204D: Proposed Elevations, the side elevations of the building where doors are being changed to windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved materials prior to occupation of any of the apartments hereby approved.

Reason: To ensure a satisfactory appearance to the development in the interests of

the character of the listed building and the conservation area, in accordance with policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 All roof lights shown on drawing nos. 22/1289/204D and 22/1289/208/A shall be of a 'conservation style' to sit flush with the roof surface and shall not protrude from the roof plane.
Reason: To ensure a sympathetic relationship with the character and appearance of the host Grade II listed building(s) and the conservation area in accordance with the requirements of Policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 5 Notwithstanding the approved plans, drawing no. 22/1289/208A, the mechanical roof vents shall be in either cast aluminium or cast iron and sit flush with the roof and be black in colour.
Reason: To ensure a satisfactory appearance to the development in the interests of the character of the listed building and the conservation area, in accordance with policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 6 All replacement or rainwater soil pipes shall be in cast iron or aluminium and painted black, unless otherwise approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development in the interests of the character of the listed building and the conservation area, in accordance with policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 7 The development hereby approved shall not be commenced unless and until full details of the proposed rear boundary treatment/wall, and associated off-highway bin storage arrangements in accordance with Waste Management's 'Guide To Refuse Collection Requirements & Storage Methods for New Developments' have been submitted to and approved in writing. The details shall incorporate foundations that do not encroach under, and gates that do not open outwards into, the adjacent adopted highway. The details subsequently approved shall be implemented to the satisfaction of the Local Planning Authority prior to occupation of any of the apartments.
- 8 Prior to any of the approved external alterations taking place, sample materials for the proposed boundary wall, railings and gates shown on Drawing nos. 22/1289/206A, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved materials prior to occupation of any of the apartments hereby approved.
Reason: To ensure a satisfactory appearance to the development in the interests of the character of the listed building and the conservation area, in accordance with policies EN2/1, EN2/2 and EN2/3 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 9 Before the apartments hereby approved are first occupied, details of the size, materials and design of the cycle stands shown on drawing no. 22/1289/201D shall be submitted to and approved in writing by the Local Planning Authority. The duly approved cycle stands shall be installed and made available for use before the

apartments are first occupied, and retained as such thereafter.

Reason: To promote modal shift and encourage travel to the site by more sustainable modes of transport in accordance with the objectives of Supplementary Planning Document 11: Parking Standards and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	04.07.2023		