

DELEGATED REPORT

Report by Helen Leach	Date of report: 25/08/2022	Ref: 68597/FUL
Registration: 25/07/2022	LDFC: 16/08/2022	Expiry Date: 19/09/2022
Site Visit: 08/08/2022	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: Single storey wrap around side/rear extension; Single storey side garage; Change of use from residential (Class C3) to mixed use of residential (C3) and beauty therapy room (Sui Generis)

Location: 26 Parkstone Avenue, Whitefield, Manchester, M45 7QH

Description

The application site relates to a bungalow, which is constructed from brick and cladding with a tile roof. There is an conservatory at the rear and an attached garage on the southern elevation. There are gardens to the front and rear and a driveway that can accommodate 2 cars.

The site is surrounded by residential properties to all boundaries except the west, where there are open fields.

The proposed development involves the demolition of the existing conservatory and garage, two single storey extensions and the change of use from residential (Class C3) to a mixed use of residential (Class C3) and beauty therapy room (sui generis). The proposed single storey side extension to the north would be used as a garage and the proposed single storey side and rear extension on the southern elevation would be used as additional living accommodation and a treatment room for the beauty therapy business. Two driveways would be provided adjacent to the north and south boundaries of the site.

Relevant Planning History

Adjacent site

56345 - Single storey extensions to side and rear at 24 Parkstone Avenue, Whitefield.

Approved with conditions - 28 June 2013.

56839 - Non-material amendment following granting of planning permission 56345 for single storey extensions to side and rear:

Amend approved flat roof to pitched roof over rear extension

Change bi-fold doors for a tilt and slide door (lounge) and window (kitchen)

Change side kitchen window to a door and install high level window to lounge

Approved with conditions - 4 December 2013.

Publicity

The neighbouring properties were notified by means of a letter on 26 July 2022.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to storage of construction materials and car parking.

Environmental Health - Pollution Control - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EC6/1	New Business, Industrial and Commercial
EC4/1	Small Businesses
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
EN7	Pollution Control
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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 - Policy EC4/1 states 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.

The proposed development would provide a single room for use as a beauty therapy business, which is sui generis. The supporting statement confirms that there would be 4-5 clients, who would be seen individually on a daily basis and the business would operate on Tuesday and Thursday - Saturday. Given there would be 1 room available and the small scale of the business, it is considered that the proposed development would be appropriate and would not impact upon the surrounding area. Therefore, the proposed development would be in accordance with Policy EC4/1 of the Bury Unitary Development Plan.

Visual amenity - SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed single storey side extension would have a pitched, gable roof that replicates the shape and style of the original and neighbouring properties. The proposed single storey rear extension would be of a simple and unobtrusive design and would not detract from the character of the dwelling. The proposed windows are considered to be suitably aligned and the two windows in the south eastern elevation would be obscure glazed. The proposal would not overwhelm the dwelling or result in over development of the associated residential amenity space. It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Impact upon residential amenity - SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed rear extension to the south would not project beyond the rear of No. 28 and would not have a significant adverse impact upon the amenity of the occupiers.
- The proposed rear extension to the south would project beyond the rear elevation of No. 24 by 0.3 metres, which would be within the 3 metres allowed in SPD6.
- The proposed garage extension would encroach cross the 45 degree line to the window on the front elevation of No. 24. However, this window would be a secondary window to the lounge as there are large patio doors on the rear elevation. In addition, the window would be located in an extension, to which SPD6 affords little weight. As such, the proposed development would not have a significant adverse impact upon the amenity of the occupiers

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies H2/3 and EN1/2 of the Bury Unitary Development Plan.

Noise - The proposed development would involve the change of use to a mixed use of residential and a beauty therapy business. The proposed business would be operate on Tuesday and Thursday to Saturday and would see 4 - 5 clients. The business would operate between 09.00 and 17.00 on Tuesday and Friday, 09.00 - 19.00 on Thursday and 10.00 - 16.00 on Saturday. Given the relatively small number of people attending the property and the operating hours, it is considered that the proposed development would not significantly increase the noise and would not have as significant adverse impact upon the amenity of the neighbouring properties in terms of noise. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Highways and parking issues - SPD11 states that the parking standards for a 2 bedroom dwelling is 1.5 spaces and there are no parking standards set for sui generis uses.

The proposed extension to the south would project 4.3 metres further forward than the existing garage. This would result in a driveway of 9.2 metres, which would be widened to provide 2 parking spaces. The Traffic Section has no objections, subject to the inclusion of conditions relating to storage of construction materials and car parking.

The proposed development would provide 1 space for the dwelling and 1 space for any clients to the beauty therapy business. Given that the business would operate with 1 client at a time and a maximum of 4 - 5 per day, it is considered that 1 space would be sufficient for the business use. As such, it is considered that 1 space for the dwelling and 1 space for the business use would be acceptable and would comply with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 26PA/1A 26PA/1D 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 No work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:-
09.00 - 17.00 - Tuesday
09.00 - 19.00 - Thursday
09.00 - 17.00 - Friday
10.00 - 16.00 - Saturday
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 – Small Businesses and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.
- 5 The revised access and car parking arrangements indicated on approved plan reference 26PA/1 Revision B, incorporating the extension of the existing footway crossing to limits to be agreed on site with the Highway Authority and extended

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driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented prior to the extension hereby approved being brought into use/use hereby approved commencing and thereafter maintained available for use at all times.

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.

- 6 The development hereby approved shall be carried out in accordance with the material storage statement and plan 26PA/1D. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to Policies H2/3 - Extensions and Alterations and EC4/1 - Small businesses of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL	24/8/22	DM	25/8/22