

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 27/03/2023	Ref: 69223/FUL
Registration: 06/01/2023	LDFC: 11/02/2023	Expiry Date: 03/03/2023
Site Visit:	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: Alterations to shop front/installation of roller shutters and subdivision of 1 no. shop into 2 no. retail units; Two/single storey extension at rear and alterations to form 2 no. ground floor flats and 1 no. additional first floor flat; New wall for bin storage

Location: 165 Bolton Road, Bury, BL8 2NW

Description

The site relates to a commercial premises which is located within a row of 5 other shops and businesses and is within a Local Shopping Centre which fronts a main road.

The property is double fronted and has a shop/office use at the front part of the ground floor with 1 no flat comprising living accommodation to the rear of the ground floor and 4 bedrooms and a bathroom at the first floor. The flat is accessed via a separate front entrance.

The property has a single storey extension and 2 storey outrigger at the rear.

There is parking directly to the rear of the row of shops and on Fountain Street at the side.

The application seeks the elements comprising -

- Alterations to the shop front and subdivision of the 1no shop into two retail shops
- Two/single storey extensions at the rear and alterations to form 2 ground floor flats and 1 additional first floor flats. (4 no. flats in total)
- New wall for bin store.

Bins would be stored in the rear yard area.

The application is the resubmission of a previously approved scheme (ref 68606) with an amendment to the single storey element. The previous scheme had a void area in the middle of the rear extension. It is now proposed to infill this void and extend the single storey element across the full width of the rear yard. It is also proposed to increase the depth of the extension by an additional 1m in length and set it further away from the two adjacent boundaries.

Relevant Planning History

68606 - Alterations to shop front/installation of roller shutters and subdivision of 1 no. shop into 2 no. retail units; Two/single storey extension at rear and alterations to form 2 no. ground floor flats and 1 no. additional first floor flat - Approve with Conditions 08/11/2022

Publicity

Four adjacent properties notified on 20/1/23 and 25/1/23.
No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Pollution Control - recommend a condition for soundproofing.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
S1/4	Local Shopping Centres
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
HT2/4	Car Parking and New Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN7/2	Noise Pollution

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 - The property is located in a local shopping area and within a row of other shops, some with associated flats.

The proposal to separate the commercial unit into two shopping units is considered acceptable in principle.

There is already one residential unit within the property, and the division of the property to create 4 flats would be accepted in principle subject to providing appropriate standards of living accommodation and associated facilities.

Layout and scale and development - At the front, the single unit would be split into 2 individually operating small shop units, each with its own glazed frontage and entrance. The front entrance which currently serves the single residential unit would continue to serve the existing and additional residential accommodation.

The property is currently double fronted and would be capable of being converted into 2 smaller separate units. The front elevation would be altered to provide separate entrances and shop fronts which would reflect the appearance of the shops along the rest of the row.

The property would be extended at the rear and provide additional space for the two flats at ground floor and two flats located at the 1st floor. The level of accommodation shown for each individual unit would provide acceptable living standards. The scale and massing of the extensions would be proportionate to the existing build and considered acceptable subject to further assessment on amenity impacts to the adjacent occupiers(see below).

Bins for the shop units and residential units would be contained within a small rear yard area behind the single storey rear extension within a walled boundary.

It is therefore considered the proposed layout and scale of development would be acceptable within the site area and its setting and comply with H2/1, H2/2, H2/4, S1/4 and EC4/1.

Impacts on residential amenity - There is currently 1 no 4 bedroom flat which comprises the living area to the rear of the ground floor for living space with 4 bedrooms above. Part of the residential unit is accommodated within a single storey and 2 storey rear extension.

It is proposed to provide 2 x 1 bed flats at ground floor and 2 x 1 bed flats at the first floor and to extend the property at the ground floor and 1st floor at the rear.

The existing single storey rear elements would be removed and the proposed single storey extension would project off the rear wall and 2 storey outrigger by approx 5.4m. It would be set 1.5m from the boundary with No 163 and 1.8m away from the boundary to No 169. Both these neighbours have single storey rear extensions and as such these properties would not be significantly affected by the proposed extensions. As such the proposed single storey extension would comply with SPD6.

The proposed 1st floor extension would extend approx 2.7m from the rear wall and would be set approx 0.8m away from the boundary with No 163. This property has a 1st floor habitable room window on the rear elevation close to the boundary with the site. However, as this property has a ground floor extension, a 1st floor extension projecting 2.7m and set 0.8m from the shared boundary would be acceptable and comply with SPD6.

It is therefore considered that the proposed extensions would not have significantly detrimental impacts on the adjacent properties and would comply with H2/2 and SPD6.

In terms of the future occupiers, the Pollution Control Section have commented that insufficient information has been provided regarding noise and recommend that a scheme for soundproofing be submitted prior to commencement of development.

Any future occupiers would be aware that part of the ground floor of the premises already operates as a shop and thereon associated activities and noise. The subdivision of the unit would not incur significant increase to such activity to be harmful to future occupiers. It has been recommended that soundproofing be incorporated to the residential units. This would be included as a condition.

Visual amenity - The premises is currently double fronted and the separation of the existing commercial unit into two separate shops with glazed frontages would reflect the pattern and appearance of the adjacent row. At the upper floors, the existing windows to the residential units would be retained.

Roller shutters would be provided at the ground floor. Whilst other properties on the row have perforated or solid types, these are generally considered to be unacceptable as they present closed and unpleasant frontages. New development should seek to better the appearance of premises where possible. In this case, chain link or lattice type shutters are proposed, which would give a more open appearance to the shop frontage yet provide security to the premises. This would be conditioned.

In terms of design, the proposed extensions would be fairly basic but functional, comprising a sloping roof to the 1st floor, flat roof to the ground floor and standard windows in brick built elevations. All the properties on this row have been extended in a range of different designs, sizes and materials and which form an irregular pattern of development and it is considered the proposed development would not detract from the streetscene when viewed in the context of the existing streetscene.

Located at the rear, public views would also be limited.

It is therefore considered the proposed development would be acceptable and comply with EN1/2 and H2/1.

Parking - The site is located on a main road and bus route and in a high access area. There is also on street parking to the side and rear of the row of shops. Given the sustainable location and scale of development, it is considered that dedicated parking would be unnecessary in this instance.

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.

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- 2 This decision relates to drawings Existing and proposed layout dwg 1893 page 1/2 amended 6/1/23; Proposed layout dwg 1893 page 2/2 amended 6/1/23 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 bin storage details shown on the approved plans shall be provided and made available for use prior to the first occupation of the development hereby approved and shall thereafter be maintained. There shall be no bins stored at the front of the property or on the adopted highway at any time.
Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Bury Unitary Development Plan Policy EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design.
- 4 The boundary alterations indicated on the approved plans shall incorporate foundations that do not encroach under the adopted highway and all highway remedial works required at the interface with the adopted highway to reinstate the adopted highway to its condition prior to commencement of the development shall be implemented prior to the development hereby approved being brought into use/first occupied.
Reason. To maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies HT6/2 - Pedestrian/Vehicular Conflict and EN1/2 - Townscape and Built Design.
- 5 The roller shutter to the front of the shop windows hereby approved shall be an open lathe/chain link type only.
Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.
- 6 Prior to first occupation of the residential units hereby approved, soundproofing of the floor/ceiling between the ground floor and the first floor flats and to all party walls of the residential flats hereby approved shall be completed in accordance with standards of construction specified in current Building Regulations.
Reason. To protect the residential amenities of the future occupiers of the flats pursuant to UDP Policy EN7/2 Noise Pollution.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	27/3/23	DM	27/3/23