

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 04/07/2022	Ref: 68181/FUL
Registration: 31/03/2022	LDFC: 29/04/2022	Expiry Date: 26/05/2022
Site Visit: 22/04/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of ground floor shop to residential (Class C3)

Location: 131-133 Whalley Road, Ramsbottom, Bury, BL0 0DG

Description

The proposal relates to a three storey end terraced stone building that was occupied as a retail unit at ground floor with a three bedroom flat at the rear and above. The basement is ancillary domestic accommodation. It adjoins a residential dwelling and is surrounded on all sides by further dwellings.

The proposal is to change the use of the shop, which occupied only the front room at ground floor, to residential to be incorporated into the existing residential accommodation at the property. Physical alterations pertain only to the removal of fascia signage and the making good of stonework. All other alterations would be internal.

The submission states that the property has been marketed for sale as a going concern on three separate occasions in the past 5 years, with no interest shown (due to the retail element). The conversion has commenced but had not been completed when the application was submitted.

Relevant Planning History

N/A

Publicity

Advertised by direct neighbour notification and site notice. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to condition relating to bin storage

Waste Management: No comments received

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/4	Conversions
EN1/2	Townscape and Built Design
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

The former retail unit is not a protected asset as identified within the Unitary Development Plan or the National Planning Policy Framework.

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, that being the western periphery of Ramsbottom, and is surrounded by established residential uses and close to routes well served by public transport and to facilities, goods and services.

As such, the site is the most sequentially preferable for the release of land for housing and

it would be unnecessary to demonstrate the the retail element was no longer viable. Furthermore, the site falls in a sustainable location with regard to services and public transport. The principle of the development is acceptable, subject to consideration of the subsequent matters.

Visual amenity

The existng building is a traditional stone property. Proposed changes to the external elevation would not constitute development (removal of fascia signage and repair of stonework) and would be minimal and would not significantly alter its appearance.

Residential amenity

Given that there was an existing first floor flat above the retail unit with habitable room windows the proposal would not further undermine residential amenity at nearest properties.

Parking, access and servicing

The Highway Officer does not object to the proposal, recommending only that a bin storage condition be attached. However, the flat was already in existence and bin storage takes place in the limited rear yard, so a condition would be unnecessary.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The proposal would deliver much needed residential development in a highly sustainable location and without detriment to the character and appearance of the area, highway safety or amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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 This decision relates to drawings Proposed Plans (Dwg no. C-01) 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.
- 2 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.

DELEGATED REPORT

<u>Case Officer</u> DSC	<u>Date</u> 04/07/2022	<u>Sign off Officer</u>	<u>Date</u>
----------------------------	---------------------------	-------------------------	-------------