

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/12/2022	Ref: 68892/FUL
Registration: 15/09/2022	LDFC: 28/10/2022	Expiry Date: 10/11/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: First floor side extension

Location: The Old Court House, Unit 3, Tenterden Street, Bury, BL9 0AL

Description

The site relates to a former court house building which was granted permission for conversion to offices in 2005. The 'main' building comprises 3 storeys with a 2 storey and single storey build attached to the western side. The building's elevations are an attractive feature and comprise red brick with slate pitched roofs, feature stone entrances and stone headers and cills to large Georgian type windows. The building is on the Draft Local List as a Non-Designated Heritage Asset.

The main and front elevation is orientated to face the junction of Angouleme Way and Tenterden Street with a secondary 'main elevation' fronting Tenterden Street. The boundary to Tenterden Street comprises black railings with intermittent pillars and there are 2 openings which provide a vehicular access to a linear strip of tarmac in front of the building which is used for parking. The building has been sub-divided for four separate occupants, each with their own dedicated access.

In terms of its setting, the building is located next to a row of terraced properties with Bury Grammar School opposite and a car park to the rear beyond which is Angouleme Way.

The application seeks planning permission for a first floor side extension which would be located on the western elevation.

The proposed extension would be set 2.2m behind the parapet which is formed to the ground floor roof and set in from the side elevation by approx 2.8m from No 40 Tenterden Street. It would be approx 0.8m lower than the existing ridge height. Elevations would comprise red brick with a natural slate roof to match the existing building.

The proposed extension is for one additional office.

Relevant Planning History

68117 - Change of use from offices (Class E) to 1 no. dwelling (Class C3) - Approved 27/5/22

Publicity

Neighbours consulted on 7/10/22.

Three representations received - one objection and 2 comments.

Objection:

- In response to planning application for 68892 and the previous application for change of use. I refer to my objection and subsequent conversations re building works taking place on Unit 3 The Old Court House.

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- The proposed side extension would affect the privacy and light of areas of Unit 4 which are always in use.
- We feel due to the current heavy traffic and the close proximity of the schools, Unit 3 has insufficient parking facilities, in addition to there being double yellow lines outside the building.
- The disruption to our business from noise and services being effected after 2 years of Covid impact and the financial burdens we have taken on this would be detrimental to the trading of an occupier.
- The potential impact of any future of use of Unit 4 which may affect any future sale value of the building.

Comments:

- Given the traffic congestion on Tenterden Street, Bridge Road and Jubilee Way between 7.30am and 9am and between 2.30pm and 4.30pm on school days, request that no large vehicles make deliveries at these times and that there are no parked vehicles obstructing these roads at these times.
- Reviewed the proposed plans and note that no dimensions have been provided for the extension, but can see that it is proposed that the extension does not extend past the ground floor window immediately to the left of the main entrance of Unit 3. We have no objection to such a proposal.
- We do feel it is prudent to make you aware that the window shown on our property in the plans is a designated fire exit for a dwelling house in accordance with Building Regulations 2010. We would therefore ask you to be mindful of this when approving any final details, and ensure that a safe distance between our window and the final proposals for the extension is maintained to enable a safe exit in the event of a fire.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection subject to an appropriate condition to secure appropriate matching red brick and natural slate materials.

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EC5	Offices
EC4/1	Small Businesses
Area	Tentersfield/Millet Street/Tenterden Street
BY1	

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.

Use - The proposed extension would provide an additional office to one of the four office units located within the building. Given the existing use of the building as offices, the proposed development is considered acceptable in principle and would comply with Policy EC5 - Offices.

Impact on amenity - The proposed extension would be attached to the side gable of the first floor element of the building. It would be accessed internally via an existing office and would be above the entrance into the building from Tenterden Street. The extension would be set back from the frontage joining the side gable. The front elevation facing Tenterden St faces due south. The sun path would be such that there would only be a marginal time when the relationship of direct sunlight to the yard below would be affected by the extension. However, the marginality is such that this would not be seriously affecting this area.

Given its position on the building would not have a significantly detrimental impact on the other occupiers in terms of reducing light or obstructing access.

The side elevation of the proposed extension would be set in approx 2.8m from the shared boundary with No 40. There would be no windows on the side of the extension which would overlook this neighbour.

As such, the uses within the building are not residential uses and therefore the impact upon amenity is considered not to be significant. No other residential uses would be affected to any significant degree.

The proposed development would therefore comply with EC4/1 and EN1/2.

Visual amenity - The proposed extension would be a subservient addition to the building, set back from the front elevation behind an existing parapet and lower in height than the existing ridge. The existing building comprises a number of differing roof forms and heights and given the position, scale and size of extension, it is considered the proposal would not be a discordant addition.

Materials would match the existing building and therefore would be in keeping with the character of the Non-Designated heritage Asset.

It is therefore considered the proposed development would be acceptable and comply with EN1/2 - Townscape and Built Design.

Traffic - The site is located within walking distance to the town centre and sustainable modes of transport and close to public car parks and it is considered the proposed development for one additional office would not be of such significant to have an adverse impact on parking in the area or add to traffic in the area.

Response to representations

- A condition for the submission of a Construction Traffic Management Plan would be included.
- The proposed extension would be located within the parameters of the existing building and would not encroach on neighbouring properties or effect other units within the Old Court House building.
- The impacts on adjacent properties and existing building have been considered in the above report.

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 - Location plan DB1-00; Existing plans DB1-01; Proposed plans DB1-02; Proposed elevations DB1-04; Existing block plan DB1-05 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 development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

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