

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 04/07/2022	Ref: 68252/FUL
Registration: 07/04/2022	LDfC: 29/04/2022	Expiry Date: 02/06/2022
Site Visit: 22/04/2022	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: Change of use and alterations to principal elevation of former shop (Use Class E) to form a four bedroom dwellinghouse (Use Class C3)

Location: 10 Tottington Road, Bury, BL8 1LH

Description

The proposal relates to a two storey Victorian property in a prominent position on the east side of Tottington Road close to the junction with Crostons Road. The property is flanked to the north and east by residential properties and a small area of public amenity land to the south, which was until recently part occupied by advertising hoardings. There is an area of public amenity land opposing the site on the west side of Tottington Road.

The property has a traditional shop front and was last occupied by a retail business with an associated first floor flat. No off-street parking was allocated.

The proposal is for the change of use and alterations to principal elevation of the former shop (Use Class E) to form a four bedroom dwellinghouse (Use Class C3). The traditional shop front would be removed and replaced with infill brick walling and uPVC windows as a part of the renovation of the elevations of the property. Bin storage would be accommodated in the rear yard.

The proposed alterations to the principal elevation have been amended.

Relevant Planning History

68402 - Installation of wall-mounted illuminated 48-sheet D-Poster (digital) display - Illuminated external 3m x 6m, Frequency of images to be no greater than once every ten seconds - Undetermined

Publicity

Advertised by direct neighbour notification. No comments received.

Statutory/Non-Statutory Consultations

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

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, surrounded by established and new 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. Furthermore, the site falls in a sustainable location with regard to services and public transport. Thus, the principle of the development is acceptable, subject to consideration of the subsequent matters.

Visual amenity

The existing building is a traditional Victorian property with a traditional shop front.

The proposal would include the removal of the shop front and replacement with red brick walls, a new door and window openings as an element of an overall refresh of the property that would include replacement of side and rear windows/doors.

The alterations would reflect and be appropriate to the proposed use as a dwelling and assimilate with the traditional character of the property.

Given the above, the proposal would not therefore have any unacceptable impacts upon visual amenity or on the street scene and would not conflict with UDP Policy EN1/2.

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 the dwellings to the east fronting Crostons Road.

No other properties would be unacceptably impacted.

The proposed bedrooms and overall floor space would be largely compliant with the Technical housing standards – nationally described space standard in terms of minimum gross internal floor areas and minimum bedroom floor space and dimensions.

Parking, access and servicing

The Highway Officer does not object to the proposal following clarification of bin storage and collection arrangements.

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 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 decision relates to drawings Location & site plan (Dwg no. 01) dated 25/03/2022, Existing and Proposed Site Plan (Dwg no. 02A), Proposed Floor Plans (Dwg no. 04A) and Proposed Elevations (Dwg no. 05A) all dated 09/06/2022 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 The in-curtilage bin storage facilities indicated on the approved plans shall be implemented prior to the use hereby approved commencing and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, pursuant to Bury Unitary Development Plan policy EN1/2.

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