

DELEGATED REPORT

Report by Sam Summers	Date of report: 02/07/2024	Ref: 70748/P3JPA
Registration: 08/05/2024	LDFC: 04/06/2024	Expiry Date: 03/07/2024
Site Visit: 02/07/2024	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:
		Stat Class: NREQ

Proposal: Prior approval for proposed change of use from offices (Class E) to 2 no. dwellings (Class C3)

Location: Bury Family Centre, 72-74 Tenters Street, Bury, BL9 0HL

Description

Prior approval for proposed change of use from offices (Class E) to 2 no. dwellings (Class C3) to two storey detached building on the corner of Tenters Street and Walsh Street.

Relevant Planning History

48197 - CHANGE OF USE FROM COMMUNITY CENTRE USE CLASS D1) TO SOLICITORS OFFICE (USE CLASS A2) - Approve with Conditions 25/07/2007
59417 - Change of use from non-residential institution (Class D1) to design consultancy office (Class B1) - Approve with Conditions 04/12/2015

Publicity

Letters to neighbours sent - 13/05/2024 - No responses received

Statutory/Non-Statutory Consultations

Traffic Section - Recommend Refusal
Environmental Health - Pollution Control - No comment
Waste Management - No comment

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

Development is not permitted by Class MA—

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;
- (e) if the building is within—
 - (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;
- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
- (g) before 1 August 2022, if—
 - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
 - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

The proposal would comply with all the limitations and conditions set out above.

Development under Class MA is permitted subject to the following conditions.

Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;

The traffic section have objected to the proposal on two grounds:

The proposed lack of car parking provision proposed, at a site where an existing vehicular crossing and parking facilities exist, is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding adopted highways where on-street parking facilities are at a premium at all times of day, which would be detrimental to the free flow of traffic and road safety.

The application and submitted plans contain insufficient information to ensure that the paved area at the side of the property that could be accessed by vehicles via the existing retained dropped crossing will not be used for the parking of vehicles associated with the proposed use, leading to the straddling of the adjacent adopted foot way and reduction in available width to sub-standard levels, to the detriment of pedestrian safety.

Both of these issues would affect the access of the site.

Whilst the plans show the paved area at the side as only 1m so not wide enough to park a car these plans are inaccurate and the paved area actually measures 2m this along with the dropped kerb and lack of fencing would allow people to park on this area causing safety issues when accessing the site.

The proposed position of the gate at the rear of the building leaves enough room for residents to still use the current access and park over the existing foot way.

The possible parking on both the paved area at the side of the property and the area currently used to access the rear of the site could lead to safety issues for both pedestrians and other road users.

(b) contamination risks in relation to the building;

There are no operational or engineering works proposed.

(c) flooding risks in relation to the building;

The site is not in a Flood Risk Zone.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

The buildings would be detached so any noise is lessened by distance from other buildings. There is a school and a nursery close to the property both would produce some noise during the day but would be empty at night so unlikely to impact negatively on occupiers.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The site is not in a conservation area

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

There is adequate natural light to all habitable rooms.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

Is not in an area important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and

There would be no loss of such provisions.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

The development does not consist of two or more dwellings whilst also exceeding seven storeys in height.

As such the Prior Approval of the Local Planning Authority is required and refused.

The plans submitted are incorrect as the paved area to the side of the properties is shown on the plan as 1 metre but the area is actually 2m. There is also insufficient information submitted regarding the new pedestrian access to No. 72. There are no details of the potential height of any gate/wall. There could also be an issue of ownership regarding the wall currently in place and its removal.

Recommendation: Prior Approval Required and Refused

Conditions and Reasons:

- 1 The proposed lack of car parking provision proposed, at a site where an existing vehicular crossing and parking facilities exist, is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding adopted highways where on-street parking facilities are at a premium at all times of day, which would be detrimental to the free flow of traffic and road safety.
- 2 The application and submitted plans contain insufficient information to ensure that the paved area at the side of the property that could be accessed by vehicles via the existing retained dropped crossing will not be used for the parking of vehicles associated with the proposed use, leading to the straddling of the adjacent adopted footway and reduction in available width to sub-standard levels, to the detriment of pedestrian safety.
- 3 The plans submitted are incorrect as the paved area to the side of the properties is shown on the plan as 1 metre but the area is actually 2m. There is also insufficient information submitted regarding the new pedestrian access to No. 72.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	02/07/2024	DM -	03/07/2024