

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/03/2023	Ref: 69265/FUL
Registration: 20/01/2023	LDFC: 17/02/2023	Expiry Date: 17/03/2023
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: MIOT

Proposal: First floor side extension.

Location: The Old Court House, 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 into 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.

Planning permission was granted in December 2022 for a first floor side extension to the west elevation of the building. The extension would serve unit 3 and provide an additional office.

The proposed extension was to 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.

Following the grant of permission, the occupier of unit 4 (located on the ground floor directly beneath the application area) who had originally objected to the application, again raised concerns that the proposed extension would be sited over part of their unit thereby affecting their light and privacy. To continue neighbourly relations, the applicant has sought to re-position the extension so as not to impact on the amenity of this unit and occupier.

This application therefore seeks an amendment to the previously approved scheme, to re-position the side extension from that previously approved.

The proposed extension would have a footprint of 3.7m x 4.3m and would now be set 0.7m behind the parapet which is formed to the ground floor roof. It would be set in 1.3m from the side elevation of 40 Tenterden Street and would be approx 1.4m lower than the existing roof ridge.

Elevations would comprise red brick with a natural slate roof to match the existing building.

The proposed extension would provide one additional office to unit 3. .

Relevant Planning History

68892 - First floor side extension - Approved 8/12/22

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

Publicity

Neighbours consulted on 27/1/23.

No representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Pre-start Conditions - Applicant/agent agreed

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 proposed extension would not be located over any open area of unit 3. The proposed extension would be located on the south elevation and approx 2m away from the yard area below. The sun path would be such that direct sunlight to the yard below would be marginal, if at all, and as such it is considered that the proposed development would not seriously affect light to this area.

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

The side elevation of the proposed extension would be approx 1.3m from the boundary and side elevation with No 40 Tenterden Street. This property has a first floor window which could be a fire escape route out. The proposed extension would be far enough away not to obstruct access from this window. There are no windows in the proposed extension which would overlook this property.

It is therefore considered the proposed development would not have a detrimental impact on residential amenity and would 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 be an acceptable addition to the building.

Materials are proposed to match the existing building and therefore would be in keeping with the character of the Non-Designated Heritage Asset. A condition would require the submission of materials for approval.

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.

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 numbered - Location plan DB1-00; Existing plans DB1-01; Existing elevations DB1-03; Proposed plans DB1-02A; Proposed elevations DB1-04A 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 Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.
- 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

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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>
JT	30/3/23	DM	13/04/23