

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 26/09/2023	Ref: 69926/FUL
Registration: 09/08/2023	LDfC: 07/09/2023	Expiry Date: 04/10/2023
Site Visit: 15/08/2023	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 from office (Class E) to residential dwelling (Class C3)
(Retrospective)

Location: 34 James Street North, Radcliffe, Manchester, M26 1LL

Description

The application relates to the ground floor of a double fronted property which is located at the end of a short row of terraced dwellings on a residential street.

The ground floor currently has a commercial use which the application states is office, although following a site visit it appears the ground floor had a use as a hairdressers. Either way, the use of the ground floor is commercial and falls within Use Class E. This is accessed via an entrance on the front elevation.

At the first floor is an existing residential flat which is accessed via an external staircase at the rear. There is amenity space at the side and rear with bin store facilities which is enclosed by a close boarded timber fence along the frontage.

The application seeks the change of use of the ground floor to a residential flat. The flat would provide one bedroom, kitchen/living area and bathroom and the amenity area would be shared with the existing 1st floor flat.

Relevant Planning History

48707 - Three no. dwellings - Approve with Conditions 03/12/2007

53416 - Application to extend time limit for implementation of planning permission 48707 - Approve with Conditions 26/01/2011

67977 - Erection of 4 no. dwellings - Approve with Conditions 13/04/2022

69690 - Prior approval for proposed change of use of existing office (Class E) to 1 no. flat (Class C3) - Withdrawn by Applicant 19/07/2023

19/0229 - Change of use from hairdressers to estate agents - 24/07/2019

Publicity

Letters sent to 15 properties on 11/8/23.
No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Waste Management - No response received.

Environmental Health - Pollution Control - No comments

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework
H1/2 Further Housing Development

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
EN7/2	Noise Pollution

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.

Principle - The property is located within a residential street and a wider resident setting and in a sustainable urban area. There is existing infrastructure in place to serve the

proposed use. The proposed change of use would therefore be in keeping with the character of the area and would be in line with the principles of H1/2 - Further Housing Development and the principles of the NPPF.

Layout - The proposed development would not result in any fundamental changes to the existing layout. The proposed flat would be accessed from the existing front entrance with the secondary entrance at the side also be retained. There is a garden area and patio at the side and rear of the property which would be of a sufficient size to serve both the existing and proposed flats and sufficient room for shared bin store facilities.

In terms of accommodation, the proposed flat would provide one bedroom with living/kitchen and bathroom facilities which would be compliant with the nationally prescribed space standards.

It is therefore considered that the proposed development would be acceptable and comply with H2/1, H2/2 and H2/6.

Residential amenity - There is an existing flat at the first floor and with a condition to provide soundproofing between the floors it is considered there would not be an impact on the amenity of this property. There is a relatively large amount of amenity space which would be shared and adequate space to provide bin store facilities for a new residential unit.

The proposed flat would be located within a residential street and as such would be in keeping with the character of the area.

It is considered the proposed development would not have a detrimental impact on the existing residents or future occupiers of the new flat and as such would comply with policies H2/1, H2/2 and H2/6.

Visual amenity - There would be no changes or alterations to the external appearance of the building.

Parking - There is unrestricted parking in front of the property and along the street and given the previous use as a commercial business it is considered that the proposed development for a one bed flat would not put pressure on parking in the area. The site is also located in a sustainable urban area with access to public transport systems.

The Traffic Section have raised no objection and as such the development would comply with H2/2, H2/4 and HT2/4.

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 - Project number GSS23011 - Site - location and block plan 001 rev 1; Existing and proposed plans 002; Existing and proposed elevations 003; Site - Existing and proposed 004 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 Bin storage arrangements shall be provided within the curtilage of the dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' 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 - Townscape and Built Design.

- 4 A scheme to soundproof the floor/ceiling between the ground floor and the first floor flat shall be implemented in accordance with standards of construction specified in current Building Regulations. Such works that form the approved scheme shall be completed before the development is brought into use.

Reason. To protect the residential amenities of the existing residents and the future occupiers of the flat pursuant to UDP Policy EN7/2 Noise Pollution.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	26/9/23		