

DELEGATED REPORT**Report by** Helen**Date of report:** 29/09/2020**Ref:**65882/FUL

Goldsbrough

Registration: 27/08/2020**LDFC:** 28/09/2020**Expiry Date:** 22/10/2020**Site Visit:** 18/09/2020**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:** N/A**Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** MIDW**Proposal:** Conversion of first floor to self-contained flat with external stairs/access at rear**Location:** 187 Rochdale Road, Pimhole, Bury, BL9 7BB**Description**

The application relates to a mid-terraced property. The property directly fronts Rochdale Road and currently has Class E(g) - Offices - Use (formerly B1 use). The premises can currently be accessed at ground floor directly from Rochdale Road, as well as from the rear via the yard and side kitchen door. The premises has an existing single storey rear extension.

Planning permission is sought to subdivide the property, retaining the officer use at ground floor and creating a separate flat at first floor. The proposed flat would be accessed from an enclosed external staircase from the rear. The internal staircase that currently connects the ground and first floors will be removed. The proposed flat would comprise of one bedroom, one living area and a bathroom.

Relevant Planning History

None

Publicity

Neighbour letters sent 07/09/2020. No representations received.

Statutory/Non-Statutory Consultations**Traffic Section** - request for bin storage to be provided prior to first occupation.**Environmental Health - Pollution Control** - request for soundproofing condition.**Waste Management** - no response.**Pre-start Conditions** - Agreed by agent**Unitary Development Plan and Policies**

H2/1	The Form of New Residential Development
EN1/2	Townscape and Built Design
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
H1/2	Further Housing Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
H3/1	Assessing Non-Conforming Uses
HT6/2	Pedestrian/Vehicular Conflict

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 victimization;

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.

Policy

Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

EN7/2 - Noise Pollution. In seeking to limit noise pollution the Council will not permit development which would lead to an unacceptable noise nuisance, or development close to a permanent source of noise.

Policy H1/2 - Further Housing Development requires the Council to have regard for the suitability of proposals for housing development on sites not identified on the Proposals Map.

Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area.

Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment.

Policy H2/4 - Conversions requires conversion of buildings into two or more self contained units to consider the general character of the area, the amenity of neighbouring properties, the amenity of occupants the effect on the street scene and the carparking and servicing requirements.

Policy H3/1 - Assessing Non-Conforming Uses requires the Council to assess proposals for development of non-conforming uses primarily in residential areas and will not permit proposals considered to be incompatible.

Policy HT2/4 - Car Parking and New Development requires all applications for development to make adequate provision for their car parking and servicing requirements.

HT6/2 - Pedestrian/Vehicular Conflict seeks to reduce pedestrian/vehicular conflict through several measures.

Principle

The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The site is not within an established shopping centre and the proposed use of the premises is acceptable given that it is within a predominantly residential area with available infrastructure. The proposal complies with UDP Policy H1/2 Further Housing Development..

Design and Layout

The existing front elevation will be maintained as existing. To the rear it is proposed to construct an external, covered staircase to access the site from the rear. There are a number of external staircases to the rear of properties within this particular row which are utilised by residents to access first floor flats above the commercial properties at ground floor. In the context of this particular street scene it is therefore considered this element is in keeping. There are no other proposed external amendments to the main rear elevation of the property.

The proposal seeks to use remove the single storey associated with the site to utilise an area of the existing rear yard area as bin storage for the ground floor office use, and includes a bin storage area at the ground floor for the proposed flat. This is considered to be acceptable and will ensure that bins are kept within the curtilage of the site rather than on the highway to the rear.

In this instance therefore the proposal is acceptable in terms of visual amenity and complies with UDP Policies H2/1- The Form of New Residential Development, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and H2/4 - Conversions.

Residential Amenity

There are no adopted aspect standards for new residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The proposed first floor living room window would be located approximately 17.6 metres from the front boundary of Holly Court exceeding the 7 metres required by SPD 6. In addition the proposed window would be separated from this premises by a main road. As such it is considered this window would comply with aspect standards.

The proposed first floor rear bedroom window would be located approximately 12.5 metres from the directly facing side boundary of No. 9 Barrett Court exceeding the 7 metres required by SPD 6. In addition the proposed window would be separated from this premises by Back Rochdale Road. As such it is considered this window would comply with aspect standards.

The proposed staircase will be enclosed and as such can not be utilised as a view platform into the adjacent yard areas.

The proposed stairway would be located adjacent to a single storey rear extension of No. 189 that runs along the entire side boundary and as such would not unduly overbearing in relation to the rear yard of this property. The proposed staircase would not project more than 3 metres beyond the rear of the first floor window of this property.

It would appear that the first floor of the properties within the row are largely utilised for residential purposes as such the use of the first floor as a flat would not conflict with these adjoining uses. The ground floor will be retained as offices which would be occupied during the day, and additional sound proofing measures have been secured via condition.

In this instance it is considered that the proposal complies with UDP Policies H2/1- The Form of New Residential Development and H2/4 - Conversions.

Parking

No parking is proposed for the one bed unit. There is already restricted parking along the row that fronts onto Rochdale Road. There are a number of side streets within the vicinity with on street parking if required and the premises is located within a high access area, within walking distance to local amenities and shops. As such, in this locality and given the existing situation, the proposal is considered to be acceptable and complies with Policy HT2/4 - Car Parking and New Development.

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 Sheet 1, Sheet 2 and Sheet 3 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 bin storage facilities indicated on the approved plans shall be provided before the development is first occupied and shall subsequently be maintained at all times.
Reason. To ensure adequate off-highway bin storage facilities are provided within the curtilage of the site, in the interests of road safety pursuant to Bury Unitary Development Plan Policies H2/4 - Conversions, H2/2 - The Layout of New Residential Development, EN1/2 Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict
- 4 No development shall take place unless and until a scheme to soundproof the floor between the ground floor and first floor has been submitted to and approved by the Local Planning Authority. The levels of acoustic insulation to be provided shall be, as a minimum, those deemed to be acceptable and specified as standards of construction in current Building Regulations. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason. To safeguard the amenities of the occupiers of the proposed and nearby residential accommodation pursuant to Bury Unitary Development Plan Policies EN7/2 - Noise Pollution and H3/1 - Assessing Non-Conforming Uses.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	29/09/2020	DM	15/10/2020