

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 15/02/2023	Ref: 68999/FUL
Registration: 08/12/2022	LDfC: 09/01/2023	Expiry Date: 02/02/2023
Site Visit: 20/12/2022	Site Notice: N/A	Press Date: 15/12/2022
Objections: 1	Con Area: MARY	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Extension and conversion of lower ground and ground floors to form 2 no. apartments; external alterations including removal of 1 no. ground floor window and addition of 3 no. ground floor windows

Location: 387 Bury New Road, Prestwich, Manchester, M25 1AW

Description

The proposal relates to an end of block three storey building fronting Bury New Road with a partially exposed lower ground floor (basement) and a small outrigger (with basement area) projecting into the rear garden. The property is flanked at the immediate south by the unadopted Hacking Street, which facilitates access to the rear of neighbouring properties. The existing building accommodates three separate apartments at ground, first and second floors, with storage at lower ground floor. The property is finished externally with a mixture of red brick, render and painted timber framing.

The site is located in Prestwich town centre, a Secondary Shopping Area and Frontage and St. Mary's Conservation Area.

The proposal is for the extension and conversion of the lower ground and ground floors to form 2 no. apartments; external alterations including removal of 1 no. ground floor window and addition of 3 no. ground floor windows. The existing rear outrigger would be replaced with a longer rear extension (projecting 5.5m from the main rear elevation) to be finished with red brick and rendered elevations, white uPVC windows and grey concrete roof tiles. The proposal would result in a 2 bed/3 person (61.0 sq.m.) apartment at lower ground floor and a 1 bed/2 person (55.4 sq.m.) apartment at ground floor (thus making the existing apartment larger). A 2m deep paved path/patio area would be created to the side from the full length of the building and would include a short stair down to the side access door and a lightwell.

The proposal has been amended since the original submission to omit the proposed formalised parking spaces that were indicated parallel to the side elevation and proposed paved area (the red edged location plan includes a part of the unadopted Hacking Street).

Relevant Planning History

28827: Conversion from shop (Class A1) to 3 no. flats (Class B3). Approved 28/09/1993.

Publicity

The proposal has been advertised by press and site notice and direct neighbour notification. A single representation has been received, objecting to the proposal as follows:

- The land proposed for parking is already used for parking by neighbouring properties who may have acquired rights over the same by passage of time. The parking land is

also not adopted as public highway and is potholed and in an extremely poor state of disrepair.

- The addition of more vehicles will only exacerbate this. Given existing dwellings at the site, and the proposed new dwellings, we are concerned the proposal would be an overdevelopment which is not supported by parking availability.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions relating to off-site highway works and waste and recycling storage.

Borough Engineer - Drainage Section: No comments received.

United Utilities (Water and waste): No comments received.

Environmental Health - Contaminated Land: No objection, subject to conditions relating to contamination and the provision of electric vehicle charging points.

Conservation Officer: No objection.

Waste Management: This is an area where there are constant problems with commercial bins (belonging to businesses in the block) that are placed for collection as a refuse collection vehicle is not able to access the back of Hacking Street. Thereafter, the bins should be returned to the businesses, but they never are. Unless this can be enforced, the situation would be made worse with the additional bins from the flats.

Pre-start Conditions - Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

S2/3	Secondary Shopping Areas and Frontages
S1/2	Shopping in Other Town Centres
Area	Church Lane/Bury New Road/Clark's Hill
PR4	
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
EN1/2	Townscape and Built Design
HT6/1	Pedestrian and Cyclist Movement
HT2/4	Car Parking and New Development
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

Policies relevant to the location of the site within Prestwich town centre and Secondary Shopping Frontage have no implication given that the proposed additional flat pertains to a storage area within the basement of a building that has a lawful residential use.

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. Furthermore, the National Planning Policy Framework recognises that residential development often plays an important role in ensuring the vitality of centres, encouraging residential development on appropriate sites.

The proposal pertains to an existing residential building with immediate access to town centre facilities, goods and services and public transport links to Bury and Manchester. As such, the site is the most sequentially preferable for the release of land for housing and the principle of the development is acceptable, subject to consideration of the subsequent matters.

Design and visual amenity

The most significant alterations would be to the rear of the building, pertaining to the proposed rear two storey extension. Thereafter, alterations would relate to the insertion of windows to the basement level of the side elevation and the installation of surface paving and excavation of the lightwell.

The rear extension would replace an existing single storey (with basement level) of a similar height and scale. Hacking Street is unadopted and gives access to the rear of neighbouring properties.

Given the limited extent of the external extensions and alterations, the complementary design and materials and the immediate context of these, the proposal would not have any unacceptable impacts on the setting of St Mary's Conservation Area, visual amenity or the street scene.

Amenity

The building is attached to a two storey building occupied by a Class E (a) use (Commercial, Business and Service), which has ground and first floor windows on the rear elevation.

The proposed rear extension would project 5.5m off the rear elevation and would span the full width of the rear of the building, at 4.7m wide, and would have a ridged roof at 5.5m above ground (at the point of full projection, as the land drops behind the building) with a maximum eaves of 4.6m high. The existing single storey outrigger projects off the common boundary with the adjoining property and has a monopitch roof with a maximum height of 5.1m (which pertains to its full length along the common boundary with the adjoining property).

The windows pertaining to the rear of the adjoining property serve a commercial use and as such are not the most sensitive to changes. Regardless, the proposed rear extension, whilst being 300mm higher at the apex, it would be lower than the existing outrigger at the boundary and is therefore likely to have less of an impact on adjacent windows.

Concerning compliance with the '*Technical housing standards - nationally described space standard*' both proposed apartments would comply with the relevant thresholds in relation to minimum overall floor space standards and bedroom dimensions.

Habitable rooms would be stacked with those pertaining to the flat at first floor (i.e. bedrooms would be positioned over bedrooms). Some windows serving habitable rooms would have an aspect into a lightwell, with a partial outlook onto a retaining wall (the principal bedroom to apartment 1), whilst the other windows would be at street level.

The proposal would not therefore have unacceptable impacts upon residential or occupiers amenity that would justify refusal of the application, particularly given the housing supply position and the sustainable location of the site.

Highways and parking

The site falls within Prestwich town centre and therefore in close proximity to excellent public transport links with Bury and Manchester.

The proposed paved area would extend into the unadopted Hacking Street, into an area that has most recently been used by other businesses to store their commercial bins (upon private land in the control of the applicant).

The objection refers to the condition of Hacking Street and considers that the creation of an additional apartment would exacerbate existing parking problems in the immediate area. The application initially included 3no linear parking spaces adjacent to the proposed paving area. However, given the existing informal parking situation on this unadopted street and the immediate proximity to essential facilities, goods and services and public transport links, this aspect has been removed (but the immediate area of Hacking Street remains in the control of the applicant and could be available for informal parking). It is not unusual for town centre residential uses to not have dedicated vehicle parking.

The works to extend the paving would effectively narrow the junction between Hacking Street and Bury New Road, which in turn would result in the dropped crossing being wider than the carriageway pertaining to Hacking Street. The Highway Officer therefore advises that off-site highway works would become necessary to extend the pedestrian footway, reduce the dropped kerb and extend waiting limits on Bury New Road.

Subject to the recommended condition, the proposal would not have an unacceptable impact on parking or highway safety.

Secure cycle storage for up to 6 no. bicycles would be provided in the rear yard area.

Waste

An area for waste and recycling storage in the rear garden area is indicated.

CONCLUSION

The above assessment demonstrates that the proposed development would be acceptable in principle and would not have any unacceptable impacts on visual and residential amenity or highway safety. As such, the proposal would not conflict with the above policies of the Local Plan and the National Planning Policy Framework. 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
 Proposed Plans, Elevations, Location Plan & Site Plan (Dwg No. (20)A003 C)
 Detailed (Proposed) Site Plan (Dwg No. (20)A004)
 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 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
 Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework

Section 15 - Conserving and enhancing the natural environment.

- 4 Notwithstanding the details shown indicatively on the submitted plans, no development shall commence unless and until full details of the following have been submitted to the Local Planning Authority:

- Extension of the flagged footway and alterations to the associated footway crossing on Bury New Road, in materials and in a position/at a level to be agreed with the Highway Authority to reflect the creation of the new section of unadopted footway and 'bin collection area' on Hacking Street;
- Demarcation of the limits of the adopted highway;
- Provision of bollards clear of the adopted highway with foundations that do not encroach under the Bury New Road footway;
- Works at the interface with the adopted highway to form the proposed unadopted footway and new kerbline;
- All associated highway remedial/accommodation works required as a result of the proposed development, including the alteration/lifting of existing footway chambers as required, to a scope and specification to be agreed.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority with all highway works completed prior to the development hereby approved being occupied.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety, pursuant to policies H2/2, EN1/2 and HT6/2 of the Bury Unitary Development Plan.

- 5 The bin storage facilities/collection arrangements shall be implemented in full accordance with the drawings hereby approved before the first occupation of either apartment and subsequently 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 policies H2/2 and EN1/2 of the Bury Unitary Development Plan.

- 6 The cycle storage indicated in the approved plans shall be provided before the first occupation of either apartment and shall thereafter remain available for users of the development.

Reason. To secure satisfactory cycle facilities on site and in accordance with Bury Unitary Development Policies HT6 - Pedestrians and Cyclists and HT6/1 - Pedestrians and Cycle Movement.

- 7 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.

<u>Case Officer</u> DSC	<u>Date</u> 15/02/2023	<u>Sign off Officer</u>	<u>Date</u>
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