

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 27/02/2023	Ref: 69124/FUL
Registration: 20/12/2022	LDfC: 18/01/2023	Expiry Date: 14/02/2023
Site Visit: 31/10/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use from dental surgery E(e) to dwelling house C3(a); removal of roller shutters and security bars, with single storey / two storey extension at rear; additional rear door, new bay window and porch to the front; 2 no. dormer windows and 3 no. loft windows to the rear and external alterations

Location: 52-54 Water Street, Radcliffe, Manchester, M26 4DF

Description

The proposal relates to a mature two storey building that had been significantly altered in converting two former semi-detached properties into a single building. It is set back from Water Street behind a generous and vegetated front garden and is flanked by Knowles Street to the west and a new block of flats to the east and the proposed car park to this development to the north (rear). The building was formerly occupied by a dental practice.

Planning permission was approved for the change of use from dental surgery (Use Class E(e)) to a nine bedroom dwelling house (Use Class C3(a)), removal of roller shutters and security bars, with first floor rear extension, additional rear door for storage, new bay windows and porch to the front (see history below). However, this has not been implemented in accordance with the approved plans, as the on-going development includes materially different elements. The retrospective proposal is therefore for the installation of 2 no. dormer windows and roof lights to the rear slope of the main roof, a single storey extension off the west side of the rear outrigger and some changes to the fenestration. All other aspects remain as was approved under planning permission 68093.

The application has been amended since the original submission to omit render from the gable elevation.

Relevant Planning History

68093 - Change of use from dental surgery E(e) to dwelling house C3(a), removal of roller shutters and security bars, with first floor rear extension, additional rear door for storage, new bay windows and porch to the front. - Approve with Conditions 31/05/2022

69008 - Non-material amendment following grant of planning permission 68093 - Differences in position of doors and windows, single story rear extension, added more space from west side to the rear two storey by making the west side wall straight, 2nos. of small dormers and sky light windows to the rear. - Refused 11/11/2022

69024 - Increase in height of boundary wall to front, sides and rear up to 2m high - Refused 11/01/2023

Publicity

Direct neighbour notification undertaken 22/12/2022. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions relating to the storage of construction materials within the curtilage and bin storage.

Waste Management: No comments received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/4	Conversions
EN1/2	Townscape and Built Design
H1/2	Further Housing 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 (from 68093)

Principle of development

The principle of the development is established by the extant planning permission and the application relates only to the additional operational elements.

Visual amenity

As noted in the description of the development, the proposal is for the addition of dormers, rooflights, a small single storey extension and alterations to the fenestration. The principal elevation fronting Water Street, would not be altered over and above what was approved under 68093.

All the noted changes/amendments to the scheme relate to the rear of the building, which is subject to the most significant interventions already and as previously approved, including a single and first floor extension extending the original two storey outrigger.

The proposed dormers are of a small scale and traditional form on the rear roof slope of this traditional building, as would the roof lights. The small single storey kitchen extension would have a foot print of 3.5m x 2.4m with a lean to roof to the outrigger, which would be set in from the existing gable wall behind the rear garden wall. Changes to the fenestration would principally relate to the side elevation of the outrigger. Frames would be in white to match the rest of the fenestration. These changes would only be appreciated in the context of the rear of the building when viewed from Knowsley Street.

Given the above, the proposal would not therefore have any unacceptable impacts upon visual amenity or on the street scene and would not conflict with UDP Policy EN1/2.

The extended boundary wall has been found to be unacceptable under a separate application.

Residential amenity

The dormers would be set back from the rear elevation and would not therefore additional overlook neighbouring properties.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The proposal would deliver much needed residential development in a highly sustainable location and without detriment to the character and appearance of the area, highway safety or amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. 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

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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
Existing Site Plan, Location and Block Plans (Dwg No. IPS/R/52-54/M264DF) SHT 1 of 7
Proposed Site Plan (Dwg No. IPS/R/52-54/M264DF Rev.A) SHT 5 of 7
Proposed Floor Plans (Dwg No. IPS/R/52-54/M264DF Rev.A) SHT 6 of 7
Proposed Elevations (Dwg No. IPS/R/52-54/M264DF Rev. A) SHT 7 of 7
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 No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.
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.
- 4 The development hereby approved shall not be first occupied unless and until the car parking arrangements indicated on the approved plans, along with in-curtilage bin storage arrangements have been implemented and thereafter maintained available for use at all times.
Reason. To ensure adequate off-street car parking provision and bin storage arrangements, in the interests of road safety, pursuant to Bury Unitary Development Plan policy EN1/2.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DC	27/02/2023	DM	27/02/23