

DELEGATED REPORT

Report by Claire Booth	Date of report: 11/11/2024	Ref: 70908/FUL
Registration: 16/09/2024	LDFC: 22/10/2024	Expiry Date: 11/11/2024
Site Visit: 07/10/2024	Site Notice: N/A	Press Date: N/A
10:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from hot food takeaway (Sui Generis) to residential dwelling (Class C3); front porch and single storey extension at rear

Location: 74 Milton Road, Prestwich, Manchester, M25 1PT

Description

The application relates to a terraced property located on the corner of Milton Road and Heys Road in Prestwich and backs on to a cobbled street with the rear of similar terrace dwellings on Merton Road.

The property is currently in use as a Chinese Takeaway (Sui-Generis) at ground floor with ancillary living accommodation at first floor. The application site and wider terrace has a slate roof canopy covering the entrance doors and bay window projections. To the rear of the property a single storey extension a further extension to the side of the original extension and an extraction flue.

Planning permission is sought for the change of use the property to form a single residential dwelling (Use Class C3); a front porch and for a single storey extension at rear.

The proposed porch at the front of the property would project to match the existing slate roof canopy on the rest of the terrace. The plans also indicate that a front boundary wall is proposed.

To the rear, it is proposed to remove the unoriginal addition currently present in the yard area (not shown on the plans), and to increase the width of the historic/ original extension to extend across the width of the rear of the property. The rear extension would then extend up to the boundary of the site with the adjoining property, no. 76 Milton Road. The submitted plans indicate the existing metal extraction flue would be removed from the property.

In addition, the submitted Proposed Elevations drawing indicates a low front boundary wall would extend across the front boundary of the site.

Relevant Planning History

None

Publicity

10 neighbouring residents have been consulted by letter.

No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to a condition requiring the refuse bins to be stored

in-curtilage.

Waste Management - No comments or observations received.

Prestwich Village Neighbourhood Forum - Supports proposal.

Environmental Health - Contaminated Land - The Environment Section has assessed the application and has no comments to make regarding contaminated land and air quality.

Pre-start Conditions - Not applicable.

Development Plan and Policies

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
JP-H3	Type, Size and Design of New Housing
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-C8	Transport Requirements of 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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 of Development

The National Planning Policy Framework should be treated as a material planning consideration. 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. Due to undelivering housing over the years, the latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

The site is located within a densely populated predominantly residential area of Prestwich, within the Urban Area of the Borough, and the property would have been historically used as a dwelling, prior to becoming a takeaway. The proposal thus complies with the locational requirements within UDP Policy H1/2: Further housing Development. The principle to re-use this property solely for residential purposes is therefore acceptable.

Layout

The proposed alterations to the front and rear of the property would be suitably aligned with the surrounding terrace. The proposal would utilise the existing rear yard to provide residential amenity space and space for refuse storage provision for the proposed dwelling.

The proposed dwelling would also accord with the national minimum space standards.

In this instance therefore, the proposal is acceptable in terms of layout and complies with PFE Policy JP-H3: Type, Size and Design of New Housing, 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.

Design and Visual Amenity

The proposed alterations at the front of the property would enclose the covered entrance area and seeks to add 4 glazed windows The proposed entrance doorway would be

different in both its appearance and siting, however, it would not cause demonstrable harm to the host property or the wider terrace.

In relation to the boundary wall proposed at the front of the site, the plan indicates it would be the same height as the boundary walls present along the frontage of all of properties adjoining the application site. To ensure sympathetic walling materials are used, a condition will be imposed re

The proposed removal of an unsympathetic addition at the rear and an aluminium extraction flue would be a visual enhancement to the street scene and in views from Milton Road.

The proposed extension to the existing historic single storey addition, would be suitably designed and would reflect the design, size and scale of other similar extensions present on the rear of many other dwellings along both Milton Road and the cobbles rear street. A condition will be imposed requiring the proposed extension to be constructed in materials to match the existing dwelling.

Subject to the recommended matching materials condition being imposed, the proposal is considered to accord with UDP Policy EN1/2: Townscape and Built Design.

Residential Amenity

Supplementary Planning Document (SPD) 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

With regards the enclosure of the current covered entrance area would only affect the host property itself and therefore no residential amenity concerns would arise.

In respect of the proposed rear extension, SPD 6 allows up to 3m single storey rear extensions. The proposed enlargement of the existing rear extension by the same length, of approximately 2.2m with a sloping roof would not result in the neighbour losing a demonstrable loss of light and would not cause any significant harm to the amenity of the adjoining neighbouring occupier(s), more so, as Google Street View clearly shows a lightweight lean-to structure extending from the rear of the property in the same location as the extension as proposed.

In terms, of the properties to the rear on Merton Road, single storey rear extensions are a common feature at the rear of properties on both Merton Road and Milton Road. The existing rear boundary walls, and the separating cobbled road to the rear of the two terraces, would ensure no neighbours would experience a loss of amenity.

For the above reasons, it is considered that the proposal complies with UDP Policies H2/1- The Form of New Residential Development.

Highway Safety The Local Highway Authority has raised no objections to the proposal to utilise this property solely for residential purposes, which will likely result in less traffic visiting the site and parking on-street to collect their takeaway.

The Highway Authority want to ensure that the applicants refuse bins are not stored on the adopted highway and have therefore recommended a condition requiring refuse bin storage in the rear yard area, in accordance with the requirements of PfE Policy JP-C8: Transport Impacts of Developments.

Carbon and Energy

PfE Policy JP-S2: Carbon and Energy requires, amongst other things, for all development to accord with Part L (Conservation of fuel and power) and Part S (Infrastructure for charging electric vehicles) of the latest Building Regulations.

Part L, Building Regulations Consent is required for the proposed conversion/ change of use works, including thermal insulation, and would thus be secured under a separate regime.

In terms of Part S of the Building Regulations, at this property being sited on a densely packed terraced street, the applicant states it is impractical to install an electric vehicle chargepoint because the connection cable would obstruct the highway. Officers share the same view.

In light of the above, the proposal would accord with the PfE Policy JP-S2.

Digital Connectivity

PfE Policy JP-C2: Digital Connectivity requires all new development, where practical, to be have full fibre connectivity. The agent has advised that the dwelling will have full fibre connectivity, to accord with the requirements of this Policy.

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. Taking in to account all of the above, 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 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 This permission relates to the following plans:

Drawing ref: Existing and Proposed Site Plans;
Drawing no. 24/787/02: Location Plan and Proposed Elevations; and,
Drawing no. 24/787/01: Proposed Ground Floor Plan & Existing and Proposed Side Elevations

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Places for Everyone Joint Development Plan, the Bury Unitary Development Plan and the National Planning Policy Framework.

- 2 The external finishing materials for the proposals (extension and boundary wall) 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.

- 3 Notwithstanding the details indicated on the approved plans, the use hereby approved shall not be commenced unless and until refuse storage arrangements are provided clear of the adopted highway within the curtilage of the site in the rear yard area to the satisfaction of the Local Planning Authority and subsequently maintained available for use at all times.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site, clear of the adopted highway, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	11/11/2024	DM - 11/11/2024	