

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Pressley | <b>Date of report:</b> 11/07/2024 | <b>Ref:</b> 70667/FUL          |
| <b>Registration:</b> 06/06/2024 | <b>LDfC:</b> 02/07/2024           | <b>Expiry Date:</b> 01/08/2024 |
| <b>Site Visit:</b> 11/07/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 1            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> COUS        |

**Proposal:** Change of use from office to residential (Class C3) and erection of timber shed

**Location:** 16 Hall Street, Walshaw, Tottington, Bury, BL8 3BD

### **Description**

The application relates to a semi-detached office, and associated amenity space. The site is bound by a school to the rear, dwelling and a public house to the west, a public house and associated car park to the east, and further residential dwellings and a highway to the front.

Planning permission is sought for the change of use from office to dwelling. Permission is also sought for the construction of a single storey, timber framed outbuilding adjacent to the front boundary. The proposed outbuilding would be approximately 6 metres long 4.8 metres wide and 4 metres to the ridge.

The application is retrospective.

### **Relevant Planning History**

48261 - Two storey side extension - Approve with Conditions 24/07/2007

64667 - Demolition of existing garage and erection of 1 no. dwelling - Refused 25/11/2019

64946 - Demolition of existing garage and erection of 1 no. dwelling - Approve with Conditions 21/01/2020

65332 - Change of use from residential to CAD design studio (B1) - Approve with Conditions 11/05/2020

### **Enforcement**

23/0455 - Erection of timber framed outbuilding - 10/06/2024

### **Publicity**

Neighbour letters sent 10th June 2024. 1 objection received in relation to:

- Shed looks hideous.
- Didn't take anyone else into consideration before it was built without planning permission.
- House went up for sale and then planning permission letter came through the door.
- More than a timber shed, as there is a garage door on it.

### **Statutory/Non-Statutory Consultations**

**Traffic Section - do not wish to restrict the grant of planning permission**

**Environmental Health - Contaminated Land**

## **Waste Management - no response**

### **Pre-start Conditions - Not relevant**

#### **Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| EN1/2 | Townscape and Built Design                                  |
| EN6/3 | Features of Ecological Value                                |
| EN7/5 | Waste Water Management                                      |
| EN8/2 | Woodland and Tree Planting                                  |
| H1/2  | Further Housing Development                                 |
| H2/1  | The Form of New Residential Development                     |
| H2/2  | The Layout of New Residential Development                   |
| H2/3  | Extensions and Alterations                                  |
| HT2/4 | Car Parking and New Development                             |
| JP-H1 | Scale of New Housing Development                            |
| JP-H3 | Type, Size and Design of New Housing                        |
| JP-H4 | Density of New Housing                                      |
| JP-G8 | A Net Enhancement of Biodiversity and Geodiversity          |
| JP-P1 | Sustainable Places                                          |
| JP-C2 | Digital Connectivity                                        |
| JP-C5 | Streets For All                                             |
| JP-C6 | Walking and Cycling                                         |
| JP-S2 | Carbon and Energy                                           |
| JP-S4 | Flood Risk and the Water Environment                        |
| JP-S1 | Sustainable Development                                     |
| JP-S5 | Clean Air                                                   |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| SPD11 | Parking Standards in Bury                                   |
| 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 (Residential)**

The National Planning Policy Framework (NPPF) 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. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of 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 deliverable land 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). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan was adopted with effect from 21 March 2024 and allocates significant strategic sites for housing within Bury.

The adopted joint Places for Everyone Plan Policy JP-H1 sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). Following the adoption of PFE the Council is able to demonstrate a 5 year supply with a 20% buffer.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. 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 11d) 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 in a sustainable location for housing within the urban area and sitting outside the Green Belt.

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. However, the adoption of the Places for Everyone Joint Development Plan has resulted in new housing targets for the Borough and the allocation of strategic sites housing sites, which along with the identified housing land supply within the urban area enable the Council to demonstrate a deliverable 5 year supply of housing land, and will accelerate housing delivery within the Borough to meet housing needs.

The proposal would see the addition of 1 no. residential unit at the site. Given that the site was recently in residential use (see 2020 permission) the proposed use is considered to be acceptable in principle.

### **Layout and Design**

Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 35 dwellings per hectare at this site. The total area of the site, based off the application form, is approximately 0.0122 hectares, which based on a total of 1 dwelling would result in a density of 82 dwellings per hectare. In this instance however, the proposal would result in the reuse of an existing building and would provide 1 no. residential unit on the site as previously existed. As such the proposal is considered to be acceptable.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

No external alterations are proposed to the host property.

Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The master bedroom and bedroom 3 would comply with space standards for a double occupancy room. Bedrooms 2 would comply with spaces standards for single occupancy rooms. Based on this the property would be considered to be a 3 bedroom, 5 person property. The internal floor space of the proposed dwelling would be approximately 122

square metres. This would exceed the 93 square metres required by NDSS.

Compliance with Part M4(2) can be secured via condition.

### Outbuilding

Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy JP-P1 aims to promote a series of beautiful, healthy and varied places.

In addition to the policies set out above, as the proposal is a retrospective outbuilding for a residential property it is considered that the policy and supplementary planning document in relation to householder applications applies. SPD 6 and Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Whilst there are a number of styles of properties within the row they are largely set back from the main highway, with relatively open frontages. The existing front boundary wall that depicts the amenity space for the site projects further forward than the existing dwelling but is limited in height preventing it from appearing overbearing.

SPD6 states that outbuildings will not normally be allowed to the front of domestic properties unless there is sufficient screening. The proposed site is highly visible, from a number of vantage points along Hall Street. The site is located at a higher level than Hall Street, with the floor level of the proposed outbuilding approximately 1.5 metres above the highway that runs along the front of the site. Whilst the boundary treatments to the front and side of the dwelling do add some screening, approximately 2.3 metres of the proposed outbuilding would be visible above the existing wall.

The rear elevation that faces towards Hall Street is approximately 6 metres wide. This is wider than the principal elevation of the host property (4.5 metres wide). It is noted that there is an existing two storey side extension to the host property however this is set back from the principal elevation by approximately 5 metres which breaks up the massing and makes it clear which is the original front elevation of the property. It is therefore considered that the proposed outbuilding would be out of proportion with the host dwelling.

The timber utilised to construct the outbuilding appears stark within the street scene, and does not reflect the vernacular building materials. It is noted that in contrast to the submitted plans the applicant has now painted the outbuilding white. Whilst this matches the proposed residential unit in colour, the contrast of this white building in relation to the stone wall to the front. It is acknowledged that residential sheds and buildings are often constructed in timber, that the materials will weather in time and that an alternative colour could be used to paint the shed. In this instance however the siting of the building and the materials used are considered to be at odds with the prevailing materials and context of the street scene. As such it is considered that the design of the proposal is incongruous and does not reflect the design, siting or context of the immediate street scene.

The location of an outbuilding of this scale and massing would be out of character with the immediate street scene. It is therefore considered that the proposed building would lead to a prominent and intrusive feature within the street scene contrary to the policy considerations set out above.

In addition, the proposed front elevation drawings and proposed floor plans do not match what has been built on site. The proposed plans appear to show an open fronted, car port style building. The existing structure on site has a garage door and single upvc door with glazed panels. As stated above the proposal is also now painted white. Whilst the proposed front elevation is not as prominent of an elevation within the street scene, no information has been provided with the application to suggest that there is an intent to remove these

existing doors. A compliance with approved plans condition however could address this discrepancy.

### **Residential Amenity**

UDP 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. There are no adopted aspect standards for new build 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.

No new windows or doors are proposed to facilitate the proposed changed of use.

Due to the location of the site, on a bend in the road and the location of the car park entrance to the public house to the south east of the site it is considered that the location of the proposed outbuilding would not have a detrimental impact on the amenity of the adjacent building.

### **Access and Parking**

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The access to the site would be retained as existing.

In terms of parking standards, in addition to Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

The proposal would seek to retain the existing 2no. parking spaces to the front of the dwelling. This would comply with maximum parking standards for a 3 bed property as set out within SPD 11.

### **Carbon and Energy**

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

It does not appear that there would be any internal or external changes required to facilitate the change of use.

The outbuilding would appear to be exempt from building regulations.

It is therefore considered that the proposal would comply with Policy JP-S2.

### **Digital Connectivity**

Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

Due to the location of the site, full fibre is available.

### **Ecology and Biodiversity Net Gain**

Compared to the photographs taken for the previous applications at the site, and the tree report submitted in 2019 it appears that the construction of the outbuilding has led to the

loss of evergreen trees to the front of the site. As the proposal is retrospective however it is not subject to the statutory BNG condition.

### **Response to representations**

It is considered that the material planning considerations have been set out within the main body of the report.

### **Conclusion**

Whilst the change of use of the office building to residential is considered to be acceptable an application has also been submitted for an outbuilding that can not be supported due to the buildings detrimental impact on visual amenity. As a split decision can not be issued, the application is recommended for refusal.

### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

### **Conditions and Reasons:**

- 1 The proposed outbuilding would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Development Plan:  
EN1/2 - Townscape and Built Design  
JP-P1 - Sustainable Places  
H2/3 - Extensions and Alterations  
Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| HP                  | 11/07/2024  | DM                      | 23/07/2024  |