

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/03/2022	Ref: 67798/FUL
Registration: 18/01/2022	LDfC: 14/02/2022	Expiry Date: 15/03/2022
Site Visit: 23/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use from mixed use shop/flat to C3 residential forming 2 no. flats;
Alterations to front and rear elevations

Location: 37 Bolton Road, Bury, BL8 2AB

Description

The application relates to a two storey terraced commercial property, currently vacant, in the middle of a terraced row within a Local Shopping Centre. The property has a small retail space (22sqm) on the ground floor with office space on the first floor and storage with the roofspace. The yard to the rear is shared with the attached property at No.39 and includes the bin store. Access to the rear is through a gate onto Broom Street.

The attached property (No.35) on the north side is a barber's shop whilst to the south (No.39) is a tattoo parlour. To the rear are older commercial premises.

The proposal involves changing the use of the premises into two flats, one on the ground floor and another at first floor.

The existing shopfront would be replaced with a new window smaller window to match the window at first floor with infill brickwork to match the existing elevation.

Relevant Planning History

65271 - Change of use from shop and flat to 4 person house in multiple occupation (HMO) (Class C4) with alterations to front elevation - Approved 20/04/2020

Publicity

Immediate neighbours notified by letter dated 21/01/2022. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Waste Management - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

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.

Policy and guidance - National Planning Policy states that there is a need for a variety of tenures within the housing sector a indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.

Unitary Development Plan Policy H2/4 - Conversions. Applications for the conversion of buildings into two or more self contained units, or the conversion of a building into a house of multiple occupation, will be considered with regard to the following factors:

- a) the effect on the amenity of neighbouring property through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes;
- b) the general character of the area and the existing concentration of flats;
- c) the amenity of occupants;
- d) the effect on the street scene of any changes to the external appearance of the building;
- e) car parking and servicing requirements.

UDP Policy S1/4 Local Shopping Centres. The Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs.

Impact on Shopping Centre - Whilst Policy S1/4 emphasises the maintenance of the local shops within the centre, given that the premises was previously a bookmakers and has been vacant for well over a year, the concern about losing an A1 shop use is mitigated. It is important to note that the Local Centre, like many throughout the country, has suffered from the structural changes taking place in the retail sector, with a significant proportion of units not in retail use. Given the nature and scale of the development, it is considered that the change of use to residential would not have a significant impact on the viability and vitality of the shopping centre and would not be contrary to the NPPF or UDP Policy S1/4 Local Shopping Centres.

Visual amenity and streetscape - The replacement of the existing shopfront and two doorways with a smaller window with stone cills, a single doorway and brick infill would simplify and actually improve the frontage and reflect its original residential use. The site does not currently have high amenity value and given that the premises has been vacant for over a year, the proposal to bring the premises back into use would not have a detrimental impact on the appearance of the shopping centre. It is considered reasonable to attach a condition requiring the submission of bricks for approval to ensure a good match and that the external alterations are carried out prior to first occupation. With conditions, the proposal is acceptable and complies with UDP Policy EN1/2 Townscape and Built Design.

Residential amenity - The proposal does not raise any residential amenity issues for future residents or immediate neighbours. The proposal is acceptable and complies with UDP Policy H2/4 Conversions with respect to residential amenity.

Access and parking - The proposal does not include any off-street parking however in this relatively sustainable location, close to the town centre, none is required. Given the nature of the proposal, it is not likely that there would be any more traffic generated than the existing commercial use, with the potential for residential above. The proposal is acceptable in terms of traffic and parking and complies with UDP Policy H2/4 Conversions.

Servicing - Bin storage is at the rear and collection would be through the rear gate onto Broom Street as existing and this is considered to be acceptable.

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 Block Plan revB and drawings numbered E01, E02, P01/A and P02/A 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

DELEGATED REPORT

pursuant to the policies of the Bury Unitary Development Plan listed.

- 3 Details of the brick/stone infill to be used on the front elevation shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 Townscape and Built Design.
- 4 Prior to first occupation, the external alterations to the front elevation as indicated in the revised plans shall be implemented in full to the satisfaction of the Local Planning Authority.
Reason. In the interests of visual and residential amenity pursuant to UDP Policy H2/4 Conversions.
- 5 The bin storage facilities indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/03/2022		