

Description

The site relates to a building and site which was formally a residential care home which was granted planning permission in 2021 for the change of use to 11 no flats with associated parking (planning re 66090). Works to implement the permission have commenced.

The site is located on a main road and throughroute from the town centre to the motorway network. The surrounding area is mixed in character with residential terraced properties to the east and west and St Paul's Court and grounds to the north which is a Grade II listed church converted to apartments. Opposite on Wash Lane to the south is an old mill which is locally listed and in use as commercial and business units.

Existing site and planning consent

The existing site comprises of a 2 storey building in an 'L shape' form which is located relatively central within the site with circulation space around the building. There is a single access/egress to the site off Wash Lane.

The conversion of the building would provide 9 no. one bed apartments and 2 no. two bed apartments. Externally, some new windows would be added, rotten frames replaced and the building fully rendered.

The existing access to the site off Wash Lane would be utilised with circulation space provided round the building to facilitate access and parking for 12 vehicles with two shared bin stores and a cycle store provision and an external and landscaped amenity space located to the south eastern area of the site.

The existing boundary fence at the front of the site would be replaced by a post and chain fence and remaining boundary treatment would either be retained or replaced.

Proposed development

This application seeks the erection of a two storey building to provide 4 no. flats within the grounds of Woolfield House.

The red edge site plan and proposed site plan show that the site would be extended at the south east corner to include a small piece of land currently used to provide one parking space for the convenience store which is located to the east of the site and which fronts Parsonage Street. This land was not included as part of the previous application.

The proposed building would be located at the front of the site to the boundary with Wash Lane and would run linear in length directly along the eastern boundary of the site, utilising the parking space for the convenience store which has now been included in the red edge site plan and also located on the part of the site which is allocated as the shared recreation space for the converted building.

The proposed building would extend approx 19.4m in length along the eastern boundary and would end where this part of the boundary line steps in slightly, before extending further north to the rear of the site.

The build would be 2 storey in height with the main elevation - west elevation - directly facing part of the side elevation of Woolfield House approx 4m away.

It is proposed to provide 2 no. flats at ground floor and 2 no. flats at first floor, with the upper floors accessed via an external staircase which would be located on the north west corner of the building with a covered platform created along part of the 1st floor front elevation of the building to access the front doors of the upper flats.

The west elevation would provide the main principal windows and entrances to all the flats although there would also be habitable bedroom windows on the north elevation to flats 2 and 3.

Accommodation for each flat would comprise two rooms - a living/kitchen/diner and a

bedroom en suite.

Elevations would comprise a rendered finish with roof tiles to match the existing building.

The original application provided 12 parking spaces in total. This application would provide an additional 3 spaces. Two would be located to the rear of the existing building with the other along the front boundary of the site next to two existing spaces.

A small refuse store would be located to the front boundary.

Four additional cycle stands would be provided in the previously approved store area to the west of the main site.

Relevant Planning History

51738 - A certificate of lawful development for the existing use of Woolfield house as a hostel for the accommodation and care of persons suffering from drug/alcohol dependence/misuse. - Lawful Development 22/09/2009

66090 - Change of use into 9 no. one bed apartments and 2 no. two bed apartments - Approve with Conditions 18/06/2021

11/0485 - Siting of porta-cabins - 05/01/2012

Publicity

Letters sent to 98 properties on 9/6/23.

Site notice posted 18/6/23

Press advert - 15/6/23.

One response received.

- Confused as this building has already been completed? So is this another building they intend putting on the site? If so I would like more information regarding this, I did object to the original building as it directly overlooks my back garden.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal on highway safety, loss of parking, inadequate parking

Borough Engineer - Drainage Section - No response

Environmental Health - Contaminated Land - Recommend conditions

Waste Management - No response received

United Utilities (Water and waste) - Recommend SuDs and informatives

Conservation Officer - No comments

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Principles

Housing Policy Principle -

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 maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

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 five year 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). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

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, in relation to the proposed dwelling, 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.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Whilst housing need is a material consideration, the merits of the application first needs consideration with policies H1/2, H2/1 and H2/2.

Layout and siting - The proposed building would be located in the south eastern part of the main site, linear in form directly next to the eastern boundary with the narrower front elevation set behind the front boundary directly next to Wash Lane.

The siting of the proposed building in this location would pose several issues in terms of how this would affect the layout of the current site and how the position of the proposed building would relate to areas outside the site -

- External amenity space - The proposed building would be located on land which was allocated as the shared amenity space for the previously approved conversion scheme, the loss of which would be unacceptable. Furthermore, the proposed development does not propose to either re-provide this amenity space or provide amenity space for the proposed development.
- Conflicts of existing land use - The siting of the proposed building would utilise land in the southern eastern corner which is designated as a parking space for the adjacent convenience store. Customer parking signs are in place and the space still evidently used for parking (as seen on the site visit carried out in June 2023). It therefore raises the question as to whether the applicant has control of this piece of land and whether the red edge sit location plan and certificate of ownership are correct on the application. Notwithstanding this, the development would result in the loss of this space for an existing shop which would be unacceptable.
- Overlooking land - The eastern boundary has a slight irregular form along the upper end of the eastern boundary where it sets in by approx 2.2m. The footprint of the proposed building would be directly next to this irregular line. Habitable room windows are proposed to the north elevation of the building resulting in the direct overlooking of

land outside the site and not in the ownership of the applicant and therefore unacceptable in terms of complying with aspect standards.

- Parking layout - It is proposed to provide 3 additional parking spaces. One space would be located at the front of the site and this could be accepted. However, two would be located to the rear of the main building, one directly next to the rear elevation of flat 3. A site visit ascertained that locating parking along the rear wall would impede other vehicular access to the eastern part of the site where 8 spaces for the main development are to be located. Additionally, space 'no. 12' would be directly next to the only habitable room windows serving the living accommodation of flat 3 (as shown on the approved floor plan ref 66090, and which is what has been implemented) which would not be acceptable. Furthermore, the proposed site plan for this application now shows the ground floor rear elevation of the main building as a blank elevation with no windows. This conflicts with the previously approved plans.
- Bin storage - It is proposed to provide an additional refuse store for the new flats, located at the front of the site next to the boundary with Wash Lane. This would not be an acceptable location as it would be considered harmful to the visual amenity of the streetscene and could be provided elsewhere on site out of public view. It is also noted that the bin store which was approved for the original scheme, located to the rear of the existing building has been deleted from the current proposed site to facilitate the additional parking for the proposed development. This would not be acceptable and would conflict with previously approved plans.
- Footprint - The proposed building would be located directly next to the boundary with Wash Lane. Whilst not a dissimilar footprint to the development outside the site to the east and west, as the proposed building would be set so far forward of the main building, by approximately 8.8m, as a detached build it would appear disparate and unrelated to the site and an imposing two storey addition when viewed from the streetscene.
- Proposed boundary - The proposed site plan indicates a dwarf wall with post and chain fence to the main site frontage (as shown and approved on the previous scheme) but according to a proposed elevation plan it appears a timber fence would be erected in front of the new building along the frontage to Wash Lane. The position of this fence is not indicated on the proposed site plan and as such there is insufficient and inaccurate information to determine the proposed boundary treatment. Notwithstanding this, the proposal for a timber fence would result in a discordant feature in the streetscene. To note, a fence has been erected on top of the dwarf wall to the site frontage which would contravene previously approved plans.

For the above reasons, the proposed development is considered to be unacceptable, provides conflicting and inaccurate information and would be contrary to policies H1/2, H2/1, H2/2.

Design, scale and appearance and visual impacts - The proposed building would be 2 storey in height and linear in form. Elevations would be rendered and the roof would be tiled to match the existing building on site.

Whilst it would be similar to the existing building in some respects in terms of the materials and its 'block' type form, the proposed window design and their proportions would be very different and the main frontage would have a fairly regimented and utilitarian appearance, re-inforced by the addition and extent of the metal external staircase.

The rear elevation would be blank, and only provides small obscure glazed bathroom windows, partly due to the proximity to the houses opposite (although the relationship in any event has been assessed as unacceptable). On approach from the east, the long stretch of blank elevation and particular given its position next to the street frontage would be imposing and oppressive.

In terms of its setting within the streetscene, the building would be set directly adjacent to the front boundary with the road. It is noted that there are other examples of buildings

nearby which are located in similar positions but as the proposed build would be set so far forward of the existing building it would appear as a discordant and disjointed addition within the context of the site and the streetscene.

It is proposed to provide a timber boundary fence to the front elevation. The area is predominantly characterised by brick built walls, some with low railings on top and the proposal to erect a timber fence along this particular part of the street would be incongruous.

It is therefore considered the proposed development would be unacceptable and be contrary to policies H2/1, H2/2 and EN1/2.

Impact on residential amenity - SPD6 advises on separation distances, requiring 13m from a blank 2 storey gable to a ground floor habitable room window and 6.5m between blank wall and habitable room window directly opposite at the same level.

The rear elevations and back yard areas of the row of terraced properties to the east would face the application site. The row comprises residential dwellings apart from the convenience store, No 64 which is located at the end. However, there is a first floor window on the rear outrigger of this property which appears to be a habitable room. There would be a distance of approx 10m between the side elevation of the proposed building and the rear elevation of No 64 and as such aspect standards would be sub-standard.

To the ground floor windows of this row of properties, there would be a distance of 12.5m at absolute best and as such separation distances would be sub-standard. In addition, the back yards of these properties which provide the outdoor amenity space for these houses would only be 6m or so away from the proposed building and as such it is considered the proposed development would be unneighbourly, imposing and overbearing to these houses.

The other surrounding land uses to the north, south and west would not be affected by the siting of the proposed building in terms of separation distances.

The proposed development would therefore be contrary to policies H2/1 and SPD6.

Impact on amenity of future occupiers -

The proposed development would provide 4 no. flats. Each would have a floorspace of 37sq m which for a single person occupant would just be within the compliance guidelines of the National Space Standards.

The proposed building would be located in the corner of the site directly next to the side and front boundaries. The majority of the habitable room windows to the flats would be to the 'front' or west elevation directly opposite part of the side elevation of the existing building. There would be a distance of 4m between both the proposed ground and first floor habitable room windows to the side elevation of the existing flats and as such separation distances would be considerably below SPD6 standards.

Flat 2 and 3 would also have main habitable room windows at the ground and first floor on the north elevation. As identified above, this part of the site has an irregular boundary line and given the position of the building set against the chamfered edge of the boundary these windows would be split to partly overlook the site's car park and land outside the application red edge which would not be acceptable. Not only that, but the outlook from these windows would result in poor standards of amenity for future occupiers.

It is therefore considered that the proposed development would be unacceptable and would be contrary to policies H2/1, H2/2 and SPD6.

Highways: The property and site is set at significantly elevated with the proposed Wash Lane development. Additionally, the site is located between two thorough urban roads which have been approved for future regression identified as significant in the lay-out design. This design appears accepted fact the existing residential area being sub-standard density of accommodation for future developments parking and significantly higher safety concerns and from the site to cause highway safety impacts.

However, the draft budgetary is a parasitic (aid with the people and the proposed follows:

The previous scheme proposed the removal of the wooden panelled fence to be replaced by a post and rail fence to improve visibility on exit. As identified above, a new wooden fence has been erected which would not be acceptable.

- The siting of the development directly next to the vehicular access to the rear of the terraced houses to the east would restrict visibility to a harmful degree
- The proposed siting of the building would result in the loss of an existing parking space which serves the convenience store.
- Parallel parking spaces should be 6m in length to enable manoeuvrability into the space. The proposed spaces would be sub-standard.
- The proposed site plan shows there would be approx 3.4m between these parking spaces and the rear boundary of the site and the position of proposed parking spaces nos 12 and 13 would restrict access to the rear of the property. In fact, a site visit has confirmed a car parked at the rear of the exiting building would entirely block this access route through the site. The proposed site plan is therefore inaccurate and conflicts with what actually exists on site.
- Loss of the previously approved bin storage to the rear boundary of the site.

In consideration of the above, the proposed development would therefore be unacceptable and contrary to policies H2/1, H2/2, EN1/2, HT2/4 and HT6/2.

Heritage - To the rear of the site is the Grade II listed St Paul's Church dated from the mid-19th century and now converted into apartments.

A Heritage Statement has been submitted with the application and proportionately describes the impact of the proposal on the setting of the grade II listed building. It is considered the proposal would not cause loss of significance of the listed buildings special architectural and historic significance.

The Conservation officer has no comments to make.

As such, the proposed development would comply with the principles of the NPPF.

Planning obligations - The development would add 4 additional flats to the existing development.

In the previous application for 11 flats, it was determined that a contribution for Recreation Provision would not be required as the development would result in a net reduction in occupiers comparative to the previous use of the building as a 19 bed residential care home.

However, in this case, an additional 4 flats at the site would add to the number of occupiers of the site and a contribution towards recreation provision under policy RT2/2 and SPD1 may be required and this would be assessed should any future application come forward.

The proposed development would also result in the loss of shared amenity space which was to be provided on site as part of the original approval. This would not be acceptable.

The previous scheme provided 1 Affordable Housing Unit. The proposed development for 4 additional flats would not trigger the requirement to provide an additional Affordable Units in compliance with the NPPF.

Conclusion

