

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 22/09/2022	Ref: 68527/FUL
Registration: 07/06/2022	LDfC: 27/07/2022	Expiry Date: 02/08/2022
Site Visit: 07/07/2022	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: COUS

Proposal: Change of use of first and second floor from office/storage (Use Class E) to 2no. flats (Use Class C3); Two dormer extensions at front and External staircase at rear

Location: Flat, 138 Rochdale Road, Pimhole, Bury, BL9 7BD

Description

The proposal relates to a traditional two storey commercial building positioned within a commercial row and adjoining a similar property to form a semi-detached block. The building is presently in use as an office (Use Class E) with ancillary storage at second floor.

The proposal is for a change of use of first and second floor from office/storage (Use Class E) to 2no. one bedroom flats for single occupancy (Use Class C3). To facilitate the change of use and alterations would include the addition of two dormers to the principal roof slope and an external steel galvanised staircase with first floor landing at the rear and insertion/adjustment to rear window and door openings.

Relevant Planning History

No relevant history

Publicity

The proposal has been advertised by direct neighbour notification. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection.

Environmental Health - Pollution Control: No comments received.

Waste Management: No comments received.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
H1/2	Further Housing Development
H2/4	Conversions
S1/5	Neighbourhood Centres and Local Shops
HT6/1	Pedestrian and Cyclist Movement

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

Principle of development (residential)

The National Planning Policy Framework should be treated as a significant 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.

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.

Policy S1/5 states that the Council will seek to retain retailing (Class A1), as the predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day to day needs of residents and businesses.

The site is located within the urban area on the edge of Bury town centre, surrounded by established commercial and residential uses and close to routes well served by public transport and to facilities, goods and services. The proposal does not relate to the ground floor, which will continue to function with a Use Class E occupant.

As such, the site is the most sequentially preferable for the release of land for housing. Furthermore, the site falls in a sustainable location and the principle of the development is therefore acceptable, subject to consideration of the subsequent matters.

Visual amenity

Given that the rear elevation is entirely enveloped by two storey buildings, the only element of the proposed alterations that would be visible from public vantage points would be the proposed front dormers. They would be of an appropriate scale, and whilst being on the principal roof slope, they would be set back from the eaves and set in from the verge/party wall and down from the ridge and would feature ridged roof profile and vertically proportioned windows and would be set symmetrically within the roof slope. This is preferable to aligning them with the first floor windows and the symmetry would not then be achieved. Proposed materials (slate to roof and cheeks) would assimilate with the existing roof.

Whilst dormers are not a feature in the wider street scene, given the above factors, they would not jar with the host building and would not therefore have any unacceptable impacts upon visual amenity or on the street scene and would not conflict with UDP Policy EN1/2.

Residential amenity

As noted above, the rear of the property is fully enveloped by existing two storey commercial buildings and the proposal would not therefore have any unacceptable impacts upon amenity at nearest residential properties (op[posing the site at Kershaw Street).

The proposed flats would exceed the minimum gross internal floor area requirements and associated minimum bedroom dimensions of the 'Technical housing standards – nationally described space standard'. Furthermore, the principle windows to habitable rooms would be to the principal elevation facing Rochdale Road and so would have a reasonable outlook (as opposed to facing into an enclosed rear courtyard). The pedestrian access to the flats would be via an existing access under the first floor of the neighbouring commercial building. This would be improved with new surfacing and would be lit by wall hung LED lighting.

Given the above, the proposal would not have unacceptable impacts on neighbouring or occupiers amenity

Parking and access

The Highway Officer has not objected to the proposal. Two secure cycle storage spaces would be provided in the rear yard area (that will have secure access).

Servicing

There would be adequate storage space in the rear yard area for refuse and recycling bins.

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 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

DELEGATED REPORT

Location Plan dated 07/06/2022

Block Plan dated 07/06/2022

Proposed Ground Floor Plan (Dwg no. FC/001/01/PR) dated 07/09/2022

Proposed First and Second Floor (Dwg no. FC/002/01/PR) dated 07/09/2022

Proposed Elevations (Dwg no. FC/003/01/PR) dated 07/09/2022

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 The external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 and OL5/2 of the Bury Unitary Development Plan.

- 4 The secure cycle storage indicated on the approved drawing FC/001/01/PR shall be installed made available for use prior to the use hereby approved commencing and thereafter maintained at all times.

Reason. To ensure adequate cycle storage and in order to promote sustainable means of travel pursuant to policy HT6/1 of the Bury Unitary Development Plan.

- 5 The development hereby approved shall not be first occupied unless and until the improvements in-curtilage pedestrian access and bin storage arrangements have been implemented and thereafter maintained available for use at all times.

Reason. To ensure adequate pedestrian access and bin storage arrangements pursuant to Bury Unitary Development Plan policy EN1/2.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	22/09/2022		