

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/11/2024	Ref: 71056/FUL
Registration: 29/08/2024	LDfC: 24/09/2024	Expiry Date: 24/10/2024
Site Visit: 08/10/2024	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use of first floor from massage parlour/restaurant (Class E) to 2 flats; two storey rear extension and modifications to front elevation

Location: 178-182 Bury New Road, Whitefield, Manchester, M45 6QF

Description

The application site comprise a pair of two storey commercial properties on the east side of Bury New Road, within Whitefield Town Centre. The ground floor is occupied by a restaurant and a hairdressers. There is a single storey outrigger at the rear. The upper floor has been a Thai massage parlour since 2016. The attached property to the north is a restaurant with offices across the gap to the south. Across Bury New Road to the west is Slattery's Patisserie. There are houses to the rear, fronting Nuttall Mews.

The proposal involves:

- Change of use of the massage parlour at first floor level to residential in the form of two 1-bed apartments. The apartments would have floor areas of 56sqm and 40sqm.
- Adding a single storey and two storey extensions at the rear. The single storey and two storey extensions would accommodate toilets for the ground floor restaurant and an access and stairs for the bedsits. In addition a new pitched roof would be added over the flat roof kitchen outrigger.
- The proposal includes the provision of four car parking spaces laid out at the rear . These would be shared by the residents of the apartments and the restaurant.

Relevant Planning History

60241 - Change of use to Massage parlour - approved 11/08/2016.

Publicity

Immediate neighbours notified by letter dated 02/09/2024. One objection from a resident at the rear of the site, on Nuttall Mews.

The proposal will increase traffic on Nuttall Ave, Nuttall Mews and particularly to the dirt track at the side of No. 1 Nuttall Mews. Currently, due to lots of rubbish being left at the rear there is very little parking and this may increase cars being parked on the Mews or Avenue where parking is already limited.

I have also been concerned with the lack of health and safety in the renovation of the property and surrounding areas. Also cutting down trees with little control over where they fell. The whole area at the rear of the property is a mess and it concerns me that this will not be cleared up.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Environmental Health - No objection.

Waste Management - No objection.

Pre-start Conditions - N/A

Development Plan and Policies

NPPF	National Planning Policy Framework
PfE	Places for Everyone
EC4/1	Small Businesses
S1/3	Shopping in District Centres
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT4	New Development

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.

Policy Background - H1/2 - Further Housing Development. The Council will have regard to the following factors when assessing proposals for housing development on sites not identified on the Proposals Map:

- a) the need to direct development towards the urban area;
- b) the availability of infrastructure;
- c) the need to avoid the release of peripheral open land, unless this can be shown to be consistent with urban regeneration;
- d) the suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses;
- e) other policies and proposals of the Plan.

H2/1 - The Form of New Residential Development. All new residential development will be expected to make a positive contribution to the form and quality of the surrounding area.

Factors to be considered when assessing proposals will include:

- a) the height and roof type of adjacent buildings;
- b) the impact of developments on residential amenity;
- c) the density and character of the surrounding area;
- d) the position and proximity of neighbouring properties;
- e) the materials to be used in proposed developments, especially their colour and texture.

H2/2 - The Layout of New Residential Development. New residential development will be required to demonstrate acceptable standards of layout. Factors to be considered when assessing proposals will include:

- a) car parking provision;
- b) access for both vehicles and pedestrians, and provision for public transport;
- c) the possible need for traffic calming measures;
- d) density;
- e) space about and between dwellings;
- f) landscaping and screening;
- g) protection/provision of trees and hedgerows;
- h) open space/children's play areas;
- i) design for safety and security;
- j) access/facilities for the disabled;
- k) the existence of any public rights of way.

S2/3 - Secondary Shopping Areas and Frontages. Within secondary shopping areas identified in the Borough's town centres, and in the main shopping areas of district centres, the Council will seek to maintain retailing (Class A1) as the predominant land use at ground floor level. Proposals for change of use or redevelopment within these areas will be assessed on their merits and by taking into account the following factors:

- a) the design and appearance of the proposed frontage;
- b) the maintenance or provision of a display window at ground floor level, where appropriate;
- c) access for the mobility impaired, where appropriate and through negotiation with the developer;
- d) whether the proposals will give rise to disturbance or nuisance;

In addition, where a proposal would lead to more than 40% of any identified secondary shopping frontage being in non-retail (Class A1) use, the Council will also take into account the following factors:

- e) the location and prominence of the proposal within the secondary shopping frontage;
- f) the number, distribution, and proximity of other premises in non-retail (Class A1) use or with planning permission for such uses;
- g) the particular nature and character of the use proposed, including the level of activity associated with it.

The occupation of the upper floor in residential use would help the long term economic viability of the town centre. Given the sustainable town centre location and the fact that the ground floor retail/commercial use would be retained, the proposal to form the four bedsits would be acceptable in principle and comply with UDP town centres and housing policies above.

Space standards - The two apartments with floor areas of 56sqm and 40sqm comply with the minimum space standards set out of government guidance.

Visual amenity - Within the existing streetscape, the site does not have a particularly high amenity value within Whitefield Town Centre and at the rear, the area is rather untidy. With an extension at the rear of the premises, set down and screened by the existing frontage, the proposal does not have a significant impact on the visual amenity of the main streetscape along Bury New Road. The main frontage of the property would not change, with the restaurant on the ground floor remaining in situ. The alterations and extension at the rear would not be overdominant and would appear generally in keeping with the existing building.

With the redevelopment of the first floor and the alterations to the rear, including the laying out of a more formal parking area, the backland is likely to be tidied up and cleared of waste. In terms of visual amenity, the proposal would be acceptable and comply with UDP Policy EN1/2 Townscape and Built Design.

Residential amenity - With the nearest residents across the service area at the rear, on Nuttall Mews, there is a separation of over 17m between the habitable room windows in the apartments to the rear garden boundaries of those properties. With this separation distance and planting along these rear gardens, there are no overlooking or privacy issues arising. The area is already a service area for the existing commercial uses, therefore the impact of any vehicles would be minimal. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/1 The Form of New Residential Development.

Traffic and Parking - Vehicular and pedestrian access to the proposed apartments would be via the existing access from Nuttall Avenue/Nuttall Mews. Four parking spaces would be laid out at the rear of the property with space for turning. These spaces would be shared between the two apartments and the restaurant. As already mentioned, the backland area is a service area for the commercial businesses along this part of Bury New Road and as such the four car parking spaces with space for turning, formed at the rear, would not be out of keeping and would not be detrimental to the use of the area in terms of highway safety.

The existing use of the first floor of the premises as a massage parlour would generate a certain amount of traffic, either from staff or customers. However small, this would need to be factored in when assessing the impact of any traffic generated by the proposed apartments. Car ownership for 1 bed apartments would be significantly less than in larger flats and houses and, assessed against the existing use and the sustainability of the location, the level of parking, on balance, is considered adequate.

As mentioned, the site is in an extremely sustainable location, on a main throughroute used by buses and close to Whitefield metrolink station. Given the sustainable location, availability of some parking and the potential for traffic generated by the existing use, the proposal should not have a significant impact in terms of new traffic generated. The traffic team have no objections to the proposal subject to conditions requiring appropriate

provision of parking, waste storage and storage of construction materials.

On balance, the proposal is acceptable and complies with the NPPF, Places for Everyone and UDP Policies listed above in terms of traffic.

Access and Servicing - Resident's access would be from the rear and as with the restaurant on the ground floor, the apartments would also be serviced from the rear which is accessed from the end of Nuttall Mews. A communal bin store would be formed at the rear for the residential use and there would be separate refuse bin for the restaurant. The access and service arrangements are acceptable and comply with UDP Policies H2/1 and H2/2.

Public Comment/objection - The issue of increased traffic on Nuttall Avenue and Mews is considered against the existing situation and the potential traffic generated by the existing use of the upper floor of the building. On balance the traffic generated by the bedsits should not be so significant as to warrant refusal of planning permission.

The area at the rear is untidy but it is likely with the new use and the provision of new bin storage, the problem would be mitigated.

The mention of renovation of the property appears to refer to the neighbouring property which is undergoing renovation works. This work is not related to this application.

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 numbered C-0439-SLP/Rev3, 05/B, 10/E and 15/C 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 and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal 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.
- 4 The allocated car parking, bin storage and turning facilities indicated on approved plan reference C-0439-10 Revision E shall be provided prior to the use hereby

approved commencing and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision and bin storage arrangements for the two uses of the building, and to minimise the standing and turning movements of vehicles on the shared rear access, in the interests of road safety pursuant to UDP Policy HT2/4 Car Parking and New Development.

- 5 Prior to commencement of development, an area for the adequate storage of construction materials shall be provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy HT4 New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/11/2024	DM -	19/11/2024