

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 24/02/2025	Ref: 71248/FUL
Registration: 18/11/2024	LDFC: 10/12/2024	Expiry Date: 13/01/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	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 from office/storage (Use Class E) to 1no. flat on ground floor and 1no. flat on first and second floors (Use Class C3)

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

Description

The application relates to a two and a half storey mid terraced property with a rear outrigger which currently has an office use at the ground and first floor with office/storage above. The property fronts a main road and is within a Neighbourhood Shopping Centre where there are a mix of shops and other commercial businesses. The property attached to the north is a takeaway food shop and on the other side is a restaurant.

The application seeks a change of use of office/storage to 1 no. flat on the ground floor and 1 no flat over the first and second floors.

Flat 1 - ground floor - 1 no. bedroom, lounge/diner, kitchen, lobby/utility and bathroom.

Flat 2 - first floor - 2 no bedrooms, kitchen/diner, utility and bathroom.
Second floor - lounge and storage areas.

Both flats would be accessed via the entrance off Rochdale Road with an internal staircase to the upper floor flat.

A bike and bin store to serve both flats would be located in the rear yard, accessible either from the ground floor flat or for the upper floor flat an opening at the rear of the site. In addition, there would be a separate garage/store/lock up located in the rear outrigger which would be accessed from the back street.

The application is retrospective.

Relevant Planning History

68527 - Change of use of first and second floor from office/storage to 2 no flats, two dormer extensions at front, external staircase at rear - Approved 22/9/22

Publicity

Letters sent to 24 properties on 18/11/24

No responses received as a result of the publicity

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition.

Waste Management - No response received.

Environmental Health - Pollution Control - No response received

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
S1/5	Neighbourhood Centres and Local Shops
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing

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

The site is located in a Neighbourhood Shopping Centre where it would be expected to find a mix of shops and other commercial businesses and often with residential accommodation above at the first floor.

Whilst the building is within a shopping area, there are residential properties to the north on the next row and residential to the east behind the shops.

The property was vacant before the change to residential was carried out and there are some vacant properties on the opposite side.

Changing the use of the property to 2 no flats would also contribute the Borough's housing stock and would be in a sustainable location with access to a number of services and facilities as well as being close to the town centre.

It is therefore considered that given the particular circumstances of this property and its location, the proposed development would be acceptable in principle and comply with the principles of the NPPF.

Layout

The proposed flats would be accessed via the existing entrance which is located off Rochdale Road and would lead to a lobby off which would be the ground floor flat comprising accommodation of 1 no bedroom, lounge/diner, kitchen, utility room and bathroom with access to the rear yard and the bin and cycle store. At the upper levels, the 1st floor would provide 2 no bedrooms, kitchen/diner, utility and bathroom with the lounge in the roof space above.

PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes. All new dwellings must 1. comply with the nationally described space standards and 2. be built to the 'accessible and adaptable standard in Part M4(2) of Building Regulations unless specific site conditions make this impracticable.

The applicant has confirmed that the units would be compliant with space standards.

In terms of accessibility, the ground floor flat would not be fully compliant with Part M4(2) but would be ambulant accessible and the physical layout and width of doors and corridors at the ground floor, whilst tight, could be wheelchair accessible.

At the upper floor, it would be impracticable and costly to fully comply with the requirement Part M4(2) of Building Regulations to be accessible and adaptable and this is generally accepted for flats at a first/second floor in existing buildings or those flats above a shop or business.

It is therefore considered that the proposed development would be acceptable and comply with H2/2, EN1/2 and JP-H3.

Residential amenity

The proposed use for residential flats would not introduce a use which is considered to be significantly harmful to adjacent occupiers in terms of noise and disturbances.

Future occupiers of the property would be aware that living within a shopping area and fronting a busy main road may cause periods of noise and disturbances.

It is therefore considered that the proposed development would be acceptable and comply with H2/1 and EN1/2.

Highways

Given the location on a major throughroute and high access area and within a shopping centre with easy access to shops and facilities, there would not be a requirement to provide parking.

The Highway Authority have no objection subject to a condition to provide the internal bin and cycle store facilities.

Digital connectivity JP-C2

The property would benefit from full fibre connectivity and internet outlets.

It is considered the proposed development would comply with JP-C2.

Carbon and energy JP-S2

The applicant states that the building roof is currently well insulated to a level which provides 0.22w/m2k and the windows are double glazed. The current boiler is a high efficiency gas boiler newly fitted during the renovation of the property. Financial practicalities and the availability of grants may cover any future energy saving measures.

The development would comply as far as possible and reasonable with part L of Building Regulations and it is considered the proposed development would comply with JP-S2.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 This decision relates to drawings numbered -
Block plan received 11/11/24
Red edge location plan received 11/11/24
Revised proposed elevations FC/003/01/PR received 24/2/25
Revised proposed ground floor layout received 12/2/25 - FC/001/01/EX
Revised proposed first and second floor layout received 12/2/25- FC/002/01/EX
Updated space standards table received 12/2/25

Planning Statement with Digital connectivity and carbon and energy statement.

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.

- 2 The use hereby approved shall not be commenced unless and until the off-highway internal bin and cycle storage arrangements indicated on approved plan reference FC/001/01/EX have been implemented and thereafter maintained at all times.
Reason. To ensure adequate provision for the storage and disposal of refuse and storage of cycles within the curtilage of the site, clear of the adopted highway pursuant to Policies H2/2 and EN1/2.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	24/2/25	HL	26/02/2025