

DELEGATED REPORT

Report by Sam Summers	Date of report: 19/02/2025	Ref: 71409/FUL
Registration: 02/12/2024	LDfC: 14/01/2025	Expiry Date: 27/01/2025
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: MIOT

Proposal: External alterations to install new windows, doors and lightwell.

Location: 1-5, Porter Street, Bury, BL9 5DZ

Description

Applications of prior approval for the conversion of 1,3 & 5 Porter Street commercial/laundrette buildings to 7no. flats total have been granted under 71393, 71394, 71395.

The prior approval process used for the change of use applications do not confer permitted development rights for operational development for the conversion of the building to a dwelling(s). As such a judgement must be made as to whether or not any required operational development would materially alter the external appearance of the building within the meaning of Section 55 of the Act requiring planning permission.

The proposal is for the addition of doors, window openings and lightwell to the elevations of the building. As such the proposal would materially affect the external appearance of the building, hence this application for express consent.

Relevant Planning History

71023 - Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations

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70536 - Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations - RefuseRefused 12/04/2024

70830 - Lawful development certificate for proposed change of use from 4 no. flats (Class C3) to 4no. HMO's (C4) - Lawful Development 30/07/2024

71023 - Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations - RefuseRefused 07/10/2024

71393 - Prior approval for Change of use from Launderette (sui generis) to 2 no. Dwellinghouses (Use Class C3) - Prior Approval Required and Granted - 23/01/2025

71394 - Prior approval for Change of use from Commercial, Business and Service (Use Class E) to 1 no. Dwellinghouse (Use Class C3) - Prior Approval Required and Granted - 23/01/2025

71395 - Prior approval for Change of use from Commercial, Business and Service (Use Class E) to 4 no. Dwellinghouses (Use Class C3) - Prior Approval Required and Granted - 07/02/2025

Publicity

Letters sent - 18/12/2024 - No Responses Received

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

EN1/1 Visual Amenity

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/4 Conversions

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.

Visual Amenity - The proposed doors and window openings would be of similar size and design as the existing and as such would not have a detrimental impact on the visual amenity of the building or surrounding area. As such the proposed operational development would comply with adopted UDP policy EN1/1 - Visually Amenity .

Residential Amenity -

Policy H2/4 requires applications for conversion to have regard to the effect on the amenity of the neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes.

There are no adopted aspect standards for new build residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

SPD 6 confirms that in terraced streets, where the current aspect standards are not available, the existing distances between habitable room windows will be maintained as a minimum. However, the existing floor plans do not denote the uses of the existing rooms within the flats and commercial units to allow this assessment.

The front elevation of the site faces towards No. 2 - 10 Porter Street. A distance of 14 metres can be provided between the proposed ground floor and first floor habitable room windows. It is noted that this is below the 20 metres set out above however the site is separated from these dwellings by a highway. In addition whilst room uses have not been included on the plans it would appear that there are already some habitable room windows at first floor with this existing relationship.

The rear windows would face towards the rear of the properties at No.6-10 Rake Street. The first floor rear windows would be located approximately 17metres from the rear boundaries of these properties exceeding the 7 metres set out above and would be over 20 metres from the principal rear elevations of these dwellings.

The ground floor rear windows would be separated from the rear of the properties along Rake Street by an area of amenity space, parking, a highway and the rear boundaries of these properties. As such no undue overlooking is foreseen.

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 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 (0-)A007 Rev:A, (0-)A008 Rev:A, (-9)A005, (0-)A003 Rev:A, (-9)A001 Rev: A, (-9)A002, (0-)A005, (0-)A009 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS - 19/02/2025		HL - 19/02/2025	