

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/12/2024	Ref: 71252/FUL
Registration: 25/10/2024	LDFC: 22/11/2024	Expiry Date: 20/12/2024
Site Visit: 06/11/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use of first floor to create 1 no. self-contained flat; first floor extension at rear for new access

Location: 64 Parsonage Street, Bury, BL9 6BL

Description

The application relates to a shop which is located at the end of a row of terraced houses on the corner of Wash Lane and Parsonage Street. The surrounding area is a mix of residential and commercial.

The property has a two storey rear outrigger and single storey rear extension and there is an unmade and unadopted back street for access purposes.

The shop and a storage area comprise the ground floor accommodation with the first floor vacant.

The application seeks the change of use of the first floor to create 1 no. self contained flat and a first floor rear extension to create a new access to the flat.

The extension would project from the pitched roof of the existing outrigger by 1.2m over the single storey element and would enclose a new staircase which would lead from the yard to the first floor flat. Access to the flat would be from the rear yard and a new entrance door which would be created in the side gable directly off the pedestrian footway on Wash Lane

One window on the rear elevation and one window on the side elevation would be blocked up.

Relevant Planning History

55116 - Proposal A - 1 No. externally illuminated static shop front fascia sign; 1 No. non-illuminated shop front window graphic; 1 No. non-illuminated projecting sign at side; 2 No. non-illuminated poster frames on shop front. Proposal B - 1 No. externally illuminated static fascia style sign on gable end; 2 No. non-illuminated poster frames on gable end; 1 No. non-illuminated panel on gable end. - Split Decision 08/06/2012

Publicity

Letters sent to 25 properties on 31/10/24.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

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
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
H2/2	The Layout of New Residential Development
H2/1	The Form of New Residential Development
JP-C2	Digital Connectivity
JP-H3	Type, Size and Design of New Housing
JP-S2	Carbon and Energy
JP-C8	Transport Requirements of New Development
JP-C5	Streets For All

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.

Layout

The proposed flat, which is common to find above shops, would be a separate unit and would provide 1 bedroom with a kitchen, living space and bathroom.

Bins would be stored at the rear and the new door opening off Wash Lane and the first floor extension for the new staircase would facilitate a suitable access for a one bedroom flat.

The remainder of the rear store area would be used by the shop for bin storage purposes.

PfE Policy JP-H3 requires all residential development to -

- Comply with the nationally described space standards and
- Be built to the accessible and adaptable standards in Part M(2) of Building Regulations.

The proposed dwelling would be a 1 bed flat with a floor area of 58sqm and bedroom area of approx 14 sqm.

The National Minimum Housing Standard for a 1 bed dwelling is 39sqm (1 bed flat) and 11.5sqm bedroom and therefore the proposed flat would exceed the minimum standard.

As the flat is on the first floor, full compliance with Part M of the Building Regulations would not be practicable.

The area is predominantly terraced and Victorian houses with few 1 bed flats in the immediate vicinity so the density is appropriate for the location.

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

Visual amenity

The proposed first floor extension would extend from the existing outrigger with a lean-to elevation to facilitate a staircase to the new flat. Whilst the property is on the corner and directly abuts the public footway on Wash Lane, given the scale and design, the extension would not be a dominant or overbearing feature to the street scene.

Materials are proposed as brick elevations and grey slate tiles and as such considered an appropriate match to the existing property.

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

Impact on residential amenity

The flat would be adjacent to an existing residential property and as such it is considered there would be limited of any detrimental impacts on either the neighbour or the future occupier.

The proposed extension would be set away from the shared boundary and considered not to significantly effect the amenity of the neighbour.

The proposed development would therefore comply with H2/1, H2/2 and EN1/2.

Highways

In terms of bin storage, separate areas are proposed for the existing shop and new flat which would be collected from the back street, the same as the current arrangement and

for other properties on this row.

There is no dedicated parking for the existing property and given the scale of development for a single flat, and the proximity of the site to the town centre and public transport it is considered there would not be a requirement to provide any parking.

The proposed development is therefore considered to comply with EC4/1, EN1/2 and JP-C8.

Policy JP-C2 - Digital Connectivity

The development will have full fibre connection built into the premises to ensure high speed digital connectivity to the infrastructure, supporting Bury Council's Policy JP-C2, Approved Guidance R and all relevant regulations

Policy JP-S2 - Carbon and Energy

Carbon and Energy saving measures will be incorporated to exceed Building Regulation requirements for a development of this type and scale and would include insulation to floors, walls and roofs, use of recycled materials and condensing boilers.

It is considered the proposed development would comply with JP-S2.

Ecology

The proposal is not considered to have a negative impact on the biodiversity of the area as the area is not an area of natural biodiversity, an area of geological conservation or a wildlife habitat. However, bat boxes will be provided and the existing soft landscaped areas to be retained where not affected by the rear extension.

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 -
Revised existing and proposed plans RAD/3160/24/1/Rev B
Energy statement and Digital connectivity 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.
- 3 The external finishing materials for the proposal hereby approved shall be brick walls and grey slate tiles.

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 use hereby approved shall not be commenced unless and until the off-highway internal bin storage arrangements indicated on approved plan reference RAD/3160/24/1 Revision B have been implemented and thereafter maintained at all times.

Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Bury Unitary Development Plan policies H2/2, EN1/2 and PfE policy JP-C8.

- 5 The proposed accesses to the first floor flat in the side elevation and the bin stores in the rear elevation indicated on approved plan reference RAD/3160/24/1 Revision B, incorporating inward opening doors and level access from the adjacent adopted footway/unadopted rear access, shall be implemented prior to the use hereby approved commencing and thereafter maintained at all times.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Bury UDP Policies H2/2, EN1/2 and PfE policy JP-C5.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	10/12/24	DM -	12/12/2024