

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/12/2024	Ref: 71060/FUL
Registration: 20/08/2024	LDFC: 28/11/2024	Expiry Date: 15/10/2024
Site Visit: 11/09/2024	Site Notice: 11/09/2024	Press Date: 29/08/2024
Objections: 2	Con Area: AINS	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use from mixed commercial use with associated living accommodation above to ground floor commercial use (Class E(a)) and 1 no. self-contained first floor flat (Class C3); Single storey rear extension.

Location: 7 Church Street, Ainsworth, Bolton, BL2 5RA

Description

The application relates to a terraced property located on Church Street. The site is currently retail at ground floor, with associated residential accommodation at first floor. The proposal has an existing single storey rear extension. The site is located within the Green Belt, Ainsworth Village Local Shopping Centre and Ainsworth Village Conservation Area.

Planning permission is sought for a change of use from mixed commercial use with associated living accommodation above to ground floor commercial use (Class E(a)) and 1 no. self-contained first floor flat (Class C3). The proposed residential unit would have a separate access from the rear of the site. The proposal also seeks to demolish and replace the existing single storey rear extension.

Relevant Planning History

None

Publicity

Neighbour letters 21/08/2024

Site notice 11/09/2024

Press notice in the Bury Times 29/08/2024

2 objections received in relation to:

- Loss of privacy
- Overshadowing/loss of light
- Parking

Following receipt of amended plans removing a proposed two storey rear extension from the plans, further letters sent 18/11/2024.

No further representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Conditions requested in relation to the implementation of car parking, bin storage and ensuring construction materials are stored within the curtilage of the site.

Borough Engineer - Drainage Section - No response

Environmental Health - Contaminated Land - no comments to make regarding contaminated land and air quality.

Environmental Health - Pollution Control - no response

Waste Management - no response

United Utilities (Water and waste) - no response

Greater Manchester Ecology Unit - no objections to the application on Ecology grounds;

Conservation Officer - No objections raised. Existing timber door should be retained.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
OL7/2	West Pennine Moors
S1/4	Local Shopping Centres
EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
JP-G9	The Green Belt
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy

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 (Green Belt)

Paragraph 153 confirms when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 confirms that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial

construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

UDP Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages.

PfE Policy JP-G9 - The Green Belt confirms the extent of the Green Belt within the Borough and confirms the five purposes of including land within the Green Belt. The beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high quality green spaces that will support economic growth.

The proposal would include the replacement of an existing single storey rear extension. The proposed rear extension would replicate the depth, height and roof style of the existing extension and as such it is considered that the proposed addition would not lead to a disproportionate addition. The proposal would therefore comply with the policy considerations set out above.

Principle (Residential)

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant under delivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

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 deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed. The joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), 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%) 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 (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) 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, provide a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

The site is considered to be in a sustainable location for housing within the urban area. The proposal would include the creation of a separate flat at the site, that was previously part of a ground floor retail unit. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the residential element of this site in principle.

Principle (Retail)

UDP Policy S1/4 states that the Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs.

The existing retail use at ground floor will be retained and as such it is considered that the proposal complies with this policy. Given the broad nature of Class E, and the limited floor area associated with the property it is considered that the ground floor unit should be restricted to Class E(a) Display or retail sale of goods, other than hot food. This can be secured via condition.

Layout, Design and Heritage

PfE Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. PfE Policy JP-H4 sets out minimum densities that should be considered.

The minimum density for the site would be 35 dwellings per hectare. The site appears to be approximately 0.01 hectares. The proposal would therefore lead to a density of 100 dwellings per hectare. The proposal would therefore make efficient use of land.

UDP Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

As the site is located within Ainsworth Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control that seek to preserve and enhance the special character or appearance of an area. Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The proposed rear extension would replicate the existing extension in terms of scale and massing. The use of slate for the roof would replicate the material palette of the surrounding properties where as the use of render would help to identify the extension as a later addition. The extension is also located to the rear of the property, rather than the primary elevation within the Conservation Area.

The proposal also shows the removal of the existing, unsympathetic roller shutter door to the front elevation which is welcomed. The Conservation Officer has asked for details of the proposed front door to be secured via condition.

It is considered that the proposal would not have a detrimental impact on the visual amenity of the locality, and would preserve the character and appearance of the Conservation Area. The proposal is therefore considered to comply with the policy considerations set out above.

PfE Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards (NDSS); and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The first floor unit is a 1 bed, 1 person, single storey property measuring 37 square metres and complying with NDSS for a property of this size, with a shower room. A single bedroom is shown that is 9 square metres exceeding the 7.5 square metres required and complies with minimum widths for single bedrooms. A minimum of square metres of built in storage is also provided.

Part M4(2) can be secured via condition.

Amenity

UDP Policy EN1/2 seeks to ensure that proposals for development are considered in relation to their relationship to the surrounding area, and the use of lighting. UDP 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.

The proposal would retain a retail use at ground floor, and residential use at first floor as existing. Due to terraced nature of the property and the close proximity of residential properties, as set out above the Class E use will be restricted to allow for a full assessment

of any future proposed use outside of retail.

The proposed single storey rear extension would project to the same depth and height as the existing extension and as such it is considered residential amenity would be retained. The proposed rear doors would relate to non-habitable rooms and no side windows are proposed.

In relation to the first floor the proposed layout has been amended to allow for the separation of the two uses. The proposed front windows would be retained as lounge/living room windows. The existing bathroom window however would be replaced with a bedroom window. This window is located 13 metres from the directly facing boundary with No. 2A Knowsley Road exceeding aspect standards.

Access and Parking

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

Access to the rear will be as existing, via the unadopted road at the rear of the site. The layout proposes suitable areas for bin storage and in curtilage parking for 1no. vehicle.

In terms of parking standards, UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements . Supplementary Planning Document 11 provides parking standards for developments.

1no. parking space for the 1 bed unit is proposed to the rear of the property and complies with the guidance set out within SPD11. On street parking is provided to the front of the property, as existing, for the retail use.

Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The existing site is made up of existing buildings and a rear yard that is flagged but has some vegetation growing through the gaps. This area of vegetation would be lost to hardstanding to provide parking. The yard area measures approximately 26 square metres and is not entirely vegetated due to the areas of hardstanding as such it is considered that it likely that the proposal is exempt from BNG due to the de-minimus exemption. The applicant's have also included a small sites metric that states there are no habitats on site that have a baseline value greater than zero, and Greater Manchester Ecology Unit have not objected to this.

Response to representations

Amended plans have been received following the initial representations made on the application, which related to a two storey rear extension. The first floor of the proposal was subsequently removed and only a single storey extension is now proposed. The impact of the proposal on the amenity

The uses at the site are as existing, but will be separated into two units rather than one with one parking space proposed to the rear of the site. . It is therefore considered that the demand for parking would be as existing.

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 Location Plan, GS-24-07-24-A, GS-24-07-24-B 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 car parking indicated on the approved plans shall be made available for use prior to the use hereby approved commencing and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 4 The bin storage facilities indicated on the approved plans shall be made available prior to the use hereby approved commencing and maintained thereafter.
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 Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 5 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site in accordance with the approved Removal and Storage of Building Materials plan GS-121224.A. 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 Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 6 The ground floor of the premises shall be used for Class E(a) Display or retail sale of goods, other than hot food only and for no other purposes, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended.
Reason. To protect the amenity of the attached residential properties and to ensure that future inappropriate changes of use do not occur pursuant to policies of the Development Plan listed.
- 7 The existing unauthorised roller shutter and box shall be removed prior to occupation of the ground floor unit. The existing timber front door shall be retained.
Reason. In the interests of visual amenity and the character of the Conservation

Area and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of Bury Unitary Development Plan.

- 8 The dwelling hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.
Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	16/12/2024	HL	16/12/2024