

DELEGATED REPORT

Report by Claire Booth	Date of report: 20/12/2023	Ref: 70183/FUL
Registration: 30/10/2023	LDFC: 21/11/2023	Expiry Date: 25/12/2023
Site Visit: 06/11/2023	Site Notice: N/A	Press Date: N/A
14:00:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use of first floor from office to 1 no. self-contained flat with installation of external staircase and new access door at rear

Location: 9 Deansgate, Radcliffe, Manchester, M26 2SH

Description

The application relates to the first floor of a shop unit which fronts Deansgate and is located within a row of properties located close to the junction with Thomas Street, that make up a prime shopping area and frontage as defined in Policy S2/2 of the Unitary Development Plan.

The 1st floor is currently in office use, albeit this is accessed through the shop. It is proposed to change the use of the first floor of the building to a residential unit with the installation of an external staircase at the rear to provide a separate entrance to the proposed flat. Permission is also sought to form a new door opening at the first floor.

The application has a two storey rear extension, which is shared with no. 7 Deansgate, which covers part of the rear elevation of the property. Boarding the other side of the site is no. 11 Deansgate which has a two storey outrigger spanning the full width of the property. The proposed rear staircase would be located in the existing rear yard area of the property between the two outriggers. Access to the proposed apartment would be via the existing rear passageway off Thomas Street.

Internal accommodation, as proposed, would comprise 1 no. bedroom, a living/dining area and bathroom.

The proposals indicate that refuse bins would be stored in the remainder of the rear yard area for the proposed use and the existing use at ground floor.

The ground floor of the property has an authorised retail use - Use Class E - with its last use being a clothing alterations and dry cleaning business and prior to that was an Estate Agents. Currently the ground floor of the premises is vacant.

Relevant Planning History

36021 - Security Roller Shutters to shop front, Approved with Conditions, 25/01/2000

20566 - Change of use from Class A1 (shop) to Class A2 (Financial and Professional Services) - Approved with Conditions, Approved - 11/02/1988

01922 - Externally illuminated fascia sign - Approved, 07/02/1989

01905 - Internally illuminated projecting sign - Approved, 01/11/1998

7 Deansgate - relevant history

87936 - Change of use of first floor (Class E) to (C3) residential; new external rear staircase and elevation alterations - Approved with Conditions, 11/04/2022.
Access to the flat would be from the rear yard area.

11 Deansgate - relevant history

65007 - Change of use from shop (Class A1) to financial and professional services (Class A2) - Approved with Conditions, 01/04/2020.

Publicity

5 adjoining/ nearby neighbours have been notified of this proposal by letter.

No representations have been received during either the statutory consultation period, or at the time of writing this report.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to condition securing the refuse storage provision proposed.

Environmental Health - Pollution Control - No comments or observations received.

Waste Management - No comments or observations received.

Property & Technical Services - Estates - No comments or observations received.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
Area	Blackburn Street/Dale Street/Church Street West
RD1	
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
NPPF	National Planning Policy Framework

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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy 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 of Development

The property is located on a Primary Shopping Frontage, as allocated within the Unitary Development Plan.

Policies S2/2 is therefore applicable in the assessment of the principle of development of the proposal. This policy states that within prime shopping areas identified in the Borough's town centres, the Council will seek to maintain retailing (Class A1 (now Class E)) as the predominant land use at ground floor level. This proposal only relates to the first floor of the building and would therefore would not impact on the authorised Class E use at ground floor. The proposal to utilise the first floor of the building as self-contained residential accomodation (Use Class C3) is therefore acceptable in principle.

The other material planning conditions will be discussed in the remainder of this report.

Impact on residential amenity, the amenity of future occupiers and neighbouring businesses

One neighboring property, no. 11 Deansgate, is in use as the offices of the local MP with the other neighbouring property, no. 7 Deansgate is used as a podiatry business at ground floor and has a self contained flat at first floor, approved by application 65007 in 2020.

Impact on residential amenity

The proposed use of the first floor of the application site and the proposed rear staircase would not cause harm to the amenity of the occupier of the first flat adjoining the site, above no. 7.

Amenity of future occupiers

The authorised use at ground floor level of the application site is for Use Class E purposes, the ground floor is therefore unlikely to result in conditions that would be detrimental to future occupiers of the proposed first floor apartment. Moreover, It is not uncommon for residential accommodation to be located above a retail/commercial unit.

The proposed development also provides satisfactory accommodation with the rooms being of a satisfactory size. with the rear of the property and would have an outlook to the front and rear. The layout proposed is therefore considered to be acceptable. It is also taken into account that the proposed level of accommodation matches the level of accommodation within the adjoining flat which was approved by planning application, 87936.

Impact on neighbouring businesses

Paragraph 187 of the Framework is clear that decisions should ensure that new development can be integrated effectively with existing businesses.

The proposed external staircase would be located at the rear in close proximity to the two store outrigger present on the rear of no. 11 Deansgate. The neighbouring property is used for financial and professional services and is currently the offices of Christian Wakeford MP.

With the exception of a narrow first floor window positioned centrally within the side elevation of the neighbouring side elevation, no other windows exist on the elevation facing the application site. The first floor window does not serve a habitable room and serves a staircase, as shown on the plans submitted and approved by application no. 65007, approved in 2020. It is therefore considered the position of the staircase would not have a significant harm to the business functions of this premises.

As the proposed rear staircase would be sited between its own outrigger and no.11, the ground floor commercial use of the other adjoining property, no.7 Deansgate would not be harmed by either the proposed use of the first floor of this property or by the proposed rear staircase.

Based on the above, the proposals are considered to be acceptable and accord with paragraph 187 of the NPPF

Design and Visual Amenity

Located at the rear, and overlooked by a car park and the landscaped area within the car park, the rear of the property is not highly visible, although is visible when viewing the site from this landscaped area. However, the inclusion of a staircase would be a relatively minor and unobtrusive addition, particularly as it would be situated in the small gap between the neighbouring two storey outrigger on the rear of nos 9 and 11 Deansgate which are sited on either side of the application property and as such the proposal would not cause demonstrable harm to either the host property, the terrace to which it forms part of, or to wider visual amenity and is therefore considered to be acceptable.

Bin/ Refuse storage

There is adequate space in the rear yard area to facilitate bin storage for the residential unit. A condition is recommended to secure the refuse storage provision shown within the submission.

Access - There is an existing passageway from the side street which would be utilised as the access to the site and which would be an acceptable arrangement in this case. The site is located in the town centre and public car parks nearby and as such, dedicated parking is considered unnecessary.

Conclusion

Taking all of the above reasons the proposals are considered to accord with the requirements of Policies H2/1, and H2/2 of the UDP and paragraph 187 of the NPPF. It is therefore recommended that planning permission be granted subject to the recommended conditions.

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 permission relates to the following plans:

Drawing no. 23/747/01: Location and Existing Plans;
Drawing no. 23/747/02: Proposed Plans;
Drawing no. 23/747/03B: Elevations; and
Drawing ref: Site Plan (1:500) Revised 30/11/2023

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 The bin storage facilities and access arrangements to it indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	21/12/23	DM	20/12/23