

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 01/11/2022	Ref: 68875/FUL
Registration: 09/09/2022	LDfC: 25/10/2022	Expiry Date: 04/11/2022
Site Visit: 14/07/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOF

Proposal: Variation of condition no. 2 of planning permission 68043 - Amend proposed layout of the ground and first floor plans (so the existing occupants on the ground floor of 79 Windsor Road will expand into the first floor above and the existing first floor occupants will take the ground and first floor of the new development)

Location: 79 Windsor Road, Prestwich, Manchester, M25 0DB

Description

The proposal relates to an end terraced property within a commercial row of units that fall under Class E Use Class (Commercial, Business and Service). It has a side yard area with a vehicular access from Windsor Road. Opposing and to the rear of the site are dwellings and the site is flanked by Class E uses. The site falls within an identified neighbourhood centre.

Across the frontage of the commercial block, vehicles park at a right angle to the businesses upon a wider section of the adopted road.

The proposal is for the variation of condition no. 2 of planning permission 68043 to amend the proposed layout of the ground and first floor plans, to enable the existing occupants on the ground floor of 79 Windsor Road to create two separate commercial units (under 68043 the first floor would have been a shared space above the ground floors of both no. 79 Windsor Road and the new extension). The external elevations and amount of floor space would remain as approved at 68043.

Relevant Planning History

68043 - Two story side extension to existing office to extend existing first floor office and to create one new office suite on the ground floor. - Approve with Conditions 26/04/2022

55069 - Change of use of ground floor from Office (B1) to Acupuncture Clinic (D1) - Approve with Conditions 01/06/2012

53945 - Change of use from Offices (Class B1) to Pre School Day Nursery (Class D1) - Withdrawn by Applicant 11/07/2011

53592 - Change of use from Offices (Class B1) to Pre School Day Nursery (Class D1) - Refused 17/03/2011

Publicity

Advertised by direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/1	Pedestrian and Cyclist Movement

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. 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.

ASSESSMENT

Principle of development

The extant planning permission establishes the principle of a two storey side extension to form a new Class E commercial unit. The proposal alterations would affect only the internal arrangements and result in two separate commercial (Use Class E) units, whereas the extant would have had a shared first floor space.

Design and visual amenity

Externally, the proposal would remain exactly as approved at 68043. The proposed building would therefore appropriately assimilate with the existing and in the wider street scape.

Neighbouring amenity

Given that the proposal would remain as was approved at 68043 externally, it would have no additional impacts upon neighbouring uses.

Access and highway safety

Correspondingly, the proposal would have no additional or unacceptable impacts upon highway interests.

CONCLUSION

The above assessment demonstrates that the proposed development would be acceptable in principle and would not have any unacceptable impacts on visual and residential amenity or highway safety.

Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be approved.

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:
Site - Location and Block Plan (Dwg No. 001) dated 04/04/2022,
Site Amenity Plan (Dwg No. 004 Rev. 1) relating to planning permission reference 68043,
Proposed GA Plans and Elevations (Dwg No. 003 Rev. 3),
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 listed.
- 3 The external finishing materials for the proposal hereby approved shall match those

of the existing building at no. 79 Windsor Road.

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 Notwithstanding the details indicated on approved drawing no. 004 Revision 1, no development shall commence unless and until full details of proposals to reinstate the redundant footway crossing onto Windsor Road to adjacent footway/full height kerb levels, to a scope and specification to be agreed, have been submitted to and approved by the Local Planning Authority. The details subsequently approved shall be implemented to satisfaction of the Local Planning Authority before the development hereby approved is brought into use.

Reason. - This is required prior to the commencement of development to ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Bury Unitary Development Plan Policy EN1/2.

- 5 The bin storage facilities indicated on approved drawing no. 004 Revision 1 shall be implemented to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and maintained thereafter.

Reason. - To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Bury Unitary Development Plan Policy EN1/2.

- 6 The secure cycle storage indicated on the approved drawing Site Amenity Plan (Dwg No. 004 Rev. 1) relating to planning permission reference 68043, shall 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	01/11/2022		