

DELEGATED REPORT

Report by Helen Leach	Date of report: 10/09/2025	Ref: 71973/FUL
Registration: 16/06/2025	LDFC: 11/07/2025	Expiry Date: 11/08/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Conversion of 2 no. shops into 1 no. shop; alterations to shop front; new window / door and external staircase at rear for first floor access.

Location: 142 & 144 Butterstile Lane, Prestwich, Manchester, M25 9TJ

Description

The application site consists of 2 shops (142 & 144 Butterstile Lane), which front onto Butterstile Lane. There are retail units on the ground floor with associated storage in the basement and 2 residential units at the first floor. Access to the residential unit above No. 144 is via an external staircase at the rear. There is a small rear yard at the rear, which is used for bin storage. The site is accessed at the rear via an unadopted access, which connects to Carr Avenue.

There are commercial units to the north and south of the site and residential properties to all other boundaries.

The proposed development involves the alterations to the shop front and the installation of a new window/door and external staircase at the rear. The proposed shop front would consist of 4 panels of glazing. Access to the shop would be taken from No. 144. The proposed window/door would be at first floor at the rear and would be accessed from the proposed external staircase.

Relevant Planning History

46479 - Installation of an automated teller machine at 140 Butterstile Lane, Prestwich. Refused - 31 July 2006.

46480 - Internally illuminated fascia sign at 140 Butterstile Lane, Prestwich. Approved with conditions - 1 August 2006.

66220 - Two storey rear extension incorporating existing external steel staircase at 144 Butterstile Lane, Prestwich. Approved with conditions - 19 January 2021.

Publicity

The neighbouring properties were notified by means of a letter on 20 June 2025. There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section -

Environmental Health - Pollution Control - No response.

Environmental Health - Commercial Section - No comments.

Waste Management - No response.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
SPD6	Supplementary Planning Document 6: Alterations & Extensions
JP-P1	Sustainable Places
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), 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.

Design and layout - The proposed shop front would consist of 4 glazed panels, which would be aligned with the windows above. There are a variety of styles of shop fronts along this row and as such, the proposed development would not be a prominent feature in the streetscene.

The proposed window, door and external staircase would provide a separate access to the existing first floor flat. The proposed staircase would be constructed from metal and would be located at the rear of the building. There is an existing external staircase, which is similar in appearance at the rear of the site and the proposed development would be match. The provision of the proposed window and door would result in a balanced elevation. As such, the proposed development would not be a prominent feature and would be in accordance with Policies EN1/2 and EN1/8 of the Bury Unitary Development Plan.

Impact upon the surrounding area - The proposed external staircase would be at first floor level at the rear. Whilst there would be potential for overlooking into the adjacent residential gardens, this would be no worse than the existing external staircase at No. 144. As the proposed external staircase is to provide access, it is considered that the proposed window/door and external staircase would not have a significant adverse impact upon the amenity of the neighbouring properties. There would be space within the rear yard for bin storage. As such, the proposed development would not be a prominent feature and would not have an adverse impact upon the amenity of the neighbouring properties. Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Highways issues

The proposed development would utilise the same access as existing and would not impact upon highway movements.

The Traffic Section has no objections to the proposal.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

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 Location plan, SHT 1 of 2, SHT 2 of 2 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>
HL -	10/09/2025	DM -	10/09/2025