

DELEGATED REPORT

Report by Claire Booth	Date of report: 01/09/2023	Ref: 69787/FUL
Registration: 11/07/2023	LDFC: 05/08/2023	Expiry Date: 05/09/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of part of ground floor of children's play centre (Use Class D2) to a managers flat (associated with Jungle Mayhem)

Location: Jungle Mayhem, Eton Hill Road, Radcliffe, Manchester, M26 2ZT

Description

The application relates to part of a building operated by Jungle Mayhem, a children's play centre, approved by application 54225, approved in September 2011, located on Elton Hill Road.

Permission is sought to change part of the north-eastern end of the red brick building to a managers flat measuring approximately 140 sq.m. The proposed flat would provide one bedroom, bathroom and associated kitchen and living accommodation. Refuse bins are to be stored adjacent to the south-east corner of the building.

The site is located within the Elton Hill Road, Radcliffe Employment Generating Area. as allocated within the adopted Bury Unitary Development Plan (UDP).

Relevant Planning History

69350 - Prior approval for proposed change of use of separate room (Class E) to 1 no. flat (Class C3) - Withdrawn, 21/04/2023

54225 - Indoor soft play area for children up to the age of 12 and ancillary indoor cafe - Approved with Conditions, 15/09/2011

54226 - 2no non illuminated fascia signs - Approved with Conditions, 15/09/2011

Publicity

Adjoining businesses have been consulted and notified of the proposed development. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections. but queries whether the refuse storage bins are suitably located.

Environmental Health - Pollution Control

Waste Management - No comments or observations received.

Borough Engineer - Drainage Section - No comments or observations received.

United Utilities (Water and waste) - No comments or observations received.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EC4/1	Small Businesses
EN7	Pollution Control
EN7/2	Noise Pollution
SPD14	Employment Land and Premises
SPD14	Employment Land and Premises

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.

Principle of Development - The site is located in an area allocated within the adopted

UDP as an Employment Generating Area. UDP Policy EC2/1 is therefore applicable. This states that in this area (EC2/1/10: Elton Hill Road, Radcliffe) that Business uses (formerly Use Class B1), General Industrial (Use Class B2) and Warehousing (Use Class B8) uses should be located in these areas. The Policy states;

"Other uses will only be permitted where they constitute limited development or do not substantially detract from an areas value as an Employment Generating Area."

Jungle Mayhem does not fall within any of the uses states above, however it was approved by application 54225 in 2011.

Whilst the proposals are contrary to this UDP Policy, the proposal is to create a Managers Flat at the site for the owner of Jungle Mayhem, provided it is tied to the manager of the Jungle Mayhem/ or this planning unit, and does not become an open-market dwelling. The occupancy of this flat can be secured by planning condition. Such a condition is therefore duly recommended.

Visual Amenity

There are no alterations to the property proposed. As such there are no issues with regard to visual amenity.

Residential Amenity

As there are no residential properties within the immediate vicinity, there are no residential amenity issues to consider in the assessment of this application. Therefore the proposal complies with UDP Policy EC4/1 in this respect.

Access and Parking

The existing access and large car parking area to the east of the building. alongside the area where the managers accomodation would be utilised by the existing manager without detriment to highway safety. It is noted that as the access to the building subject to this application, is shared with another business - Castlecroft Caravan and Camping Centre, however, given the proposal is for the existing manager to occupy the flat, there would be no change to the number of cars which enter and leave the site. The proposal therefore complies with UDP Policies EC4/1: Small Businesses and HT4/2: Car Parking and New Development.

Conclusion

On balance, the proposed use of this small area of the building for managers accomodation is considered appropriate on the site.

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.

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2 This permission relates to the following plans:

Drawing no. PP-12166866v1: Location Plan;
Drawing no. PL04: Proposed Site Plan; and,
Drawing no. PL02 Rev. H: Proposed Floor Plan

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	01/09/2023	DM	01/09/23