

DELEGATED REPORT

Report by Claire Booth	Date of report: 10/01/2023	Ref: 68967/FUL
Registration: 14/11/2022	LDFC: 07/12/2022	Expiry Date: 09/01/2023
Site Visit: 14/12/2022	Site Notice: N/A	Press Date: N/A
15:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from retail (Class E(a)) to licensed betting shop (Sui Generis)

Location: 8 Church Street West, Radcliffe, Manchester, M26 2SQ

Description

The application relates to the ground floor of a mid-terraced retail premises located on Church Street West, in Radcliffe Town Centre. The existing property is vacant but was last used for retail purposes falling within the Class E(a) use class. It has a mezzanine level within the ground floor.

A flat exists above the shop which is accessed from within the property. This flat is unoccupied.

Planning permission is sought for the change of use of the ground floor of the building from retail premises (Use Class E(a)) to a licensed betting office, a Sui-Generis use. The betting office seeks to open between the hours of 09:00 and 22:00, Monday to Sunday. Access to the first floor flat will be removed as part of these proposals.

Relevant Planning History

51945 - Alterations to shop front to facilitate sub division of unit into two shops - Approved with Conditions 07/12/2009

68968 - Installation of a new shop front, satellite dish and air conditioning units to rear elevation - Under consideration.

68969 - 1 no. internally illuminated fascia sign and 1 no. internally illuminated projecting sign - Under consideration.

PLEASE NOTE THIS IS NOT ALL THE HISTORY FOR THE SITE

Publicity

7 neighbouring properties have been consulted by letter. No representations have been received as a result of this public consultation.

Statutory/Non-Statutory Consultations

Traffic Section and Operations/ Waste Management - No objections, subject to the bin storage provision indicated on the plans being implemented before the use commences and informatives being added advising that refuse bins should not be stored on the adopted highway.

Planning Policy Manager - no comments received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

Area	Blackburn Street/Dale Street/Church Street West
RD1	
S2	Control of New Retail and Non-Retail Development
S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
H5/1	Area Improvement

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.

Policy: The application site is located within Radcliffe Town Centre and allocated as Area Policy RD1, within an area defined as Primary Shopping Frontage, within the adopted Unitary Development Plan (UDP).

Policy RD1 identifies the area surrounding, and including, the application site, as providing the town's main shopping facilities and states, as such, proposals for retailing will be supported. Similarly UDP Policies S1/2 and S2/2 seek to maintain and strengthen the role of retail in town centres and where proposals seek to change the use from retail, take into account factors including design and appearance of shop frontages, maintenance and provision of a display window at ground floor level, appropriate access and whether the proposal will give rise to noise and disturbance.

The proposal would result in the loss of a retail shop (Use Class E(a) and permission is sought to change it to a licensed betting shop (Sui-Generis). As the proposal would result in the loss of a retail premise it is strictly not compliant with Policies S1/2.

Policy S2/2 advises that where the proposal would lead to more than 10% of any identified prime shopping frontage being in non-retail use, the Council will also take account of the location and prominence of the proposal within the prime shopping frontage, the number, distribution and proximity of other premises in the non-retail use, and the particular nature and character of the use proposed.

Notwithstanding the above, the business of the applicants is currently present at 17 Blackburn Street in the Town Centre that is the area of the Town Centre that is earmarked for regeneration. The Council is seeking to redevelop the block of property where the applicant, William Hill group' are presently located, allocated within the UDOP as 'Secondary Shopping Frontage' for "proposed hub buildings", as identified in the "Strategic Regeneration Framework" document and, in order that the redevelopment may proceed, vacant possession is being sought.

The application site is a vacant retail shop, which has been vacant since 2019. It was formally used by 'Glam Interiors' between 2016 and 2019 and prior to that was a shop selling paint and wallpaper. Since 2019 the ground floor of the property has been vacant. The unit falls within that part of the primary shopping frontage of Church Street West where there would be a fairly even spread of retail / non-retail uses; with two consecutive retail uses to one side and one non-retail use followed by a retail use to the other.

In overall terms within the Town Centre, there would, be no change as this represents a transfer of a non-retail use from one shopping frontage to another.

As for the "nature and character" of the use, betting offices tend to attract far more customers than most Class E retail uses and, to that extent, the level of activity and, hence vitality, of this part of the centre would be likely to be enhanced, particularly given the high vacancy rate of properties on the Church Street West shopping frontage.

Visual Amenity - This proposal is for the change of use of the ground floor of the property only. This application seeks no alterations to the existing shop frontage. Therefore there will be no change to the street scene.

Residential Amenity - The National Land and Property Gazetteer indicates that a residential apartment, no. 8A Church Street West, exists above the application site. It appears that the first floor of the property is only accessible internally through the existing shop. The submitted drawing (FINAL/EXISTING/102) indicates that it is proposed to remove a mezzanine floor present on the ground floor and the existing staircase to the upper floor. As a result of the proposals, there will therefore be no conventional access to the upper level of the property, which will remain vacant and unused, as it is now. Indeed, it

would therefore no longer be possible for the upper floor to be used for residential purposes, and thus there will be no need to provide any soundproofing between the ground and first floors.

Residential apartments also adjoin the application site. The previous retail uses at the property opened between the hours of 9am- 5pm Monday-Friday, 9am-4pm Saturdays and was closed on Sundays. This proposal seeks to open between the hours of 9am to 10pm Monday - Sunday. The nature of the proposed use will increase footfall in the area and within the building for longer hours than the former retail shop was open for and with a greater intensity of customers within the building that will have been likely in the previous uses. Therefore, in order to protect the amenity of the adjoining occupiers, it is recommended that a condition be imposed requiring soundproofing of the party walls. Soundproofing will ensure the amenity of adjoining residents will not be demonstrably harmed.

CONCLUSIONS

Re-use of the property, whilst not for retail purposes, will be occupied by a business commonly found in Town Centres. The proposals will thus occupy a vacant shop on a primary shopping frontage that has a high vacancy rate within the Town Centre and will result in the re-vitalization of this particular part of Church Street West whilst also allowing the re-development and re-vitalization of the Blackburn Street shopping front as part of the Council's regeneration plans.

The proposed use will result in the premises being open for longer hours than the previous retail shop, therefore, in the interests of safeguarding the amenity of nearby residential occupiers, a planning condition requiring soundproofing of the Party Walls is recommended. Taking account of all of the above, and subject to the recommended planning condition, it is recommended that planning permission be granted.

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. FINAL/EXISTING/102 - Existing Plans ; and,
Drawing no. FINAL/PROP/201 - 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.

- 3 The sound insulation of the party walls hereby approved shall be improved in accordance with the method outlined in the Building Research Establishment Digest 293 (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented prior to the occupation of the premises.

Reason: In the interests of the amenity of nearby residents to reduce noise, in accordance with policies S2/2 and EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 Prior to occupation of the development hereby approved, the refuse storage facilities indicated on the approved plans, reference 'FINAL/PROP/201', shall be implemented and made available for use and shall thereafter remain available at all times.

Reason: - To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway.

- 5 The premises shall only be open for trade or business (including deliveries) between 09:00 hours and 22:00 hours Monday to Sunday.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of policies S2/2(e) and EN7/2 of 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>