

DELEGATED REPORT

Report by Claire Booth	Date of report: 17/02/2023	Ref: 68968/FUL
Registration: 14/11/2022	LDFC: 10/02/2023	Expiry Date: 09/01/2023
Site Visit: 14/12/2022	Site Notice: N/A	Press Date: N/A
15:15:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of a new shopfront, satellite dish and air conditioning units to rear elevation

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

Description

The application site is a vacant mid-terrace retail property which has planning permission to be used as a betting office, located on Church Street West, Radcliffe, on a Secondary Shopping Frontage, as allocated on the Proposals Map associated with the Council's adopted Unitary Development Plan (UDP). The property is two storey at the front and three storey at the rear. The River Irwell runs along the rear of the property. A path along the south-west side of the river allows views of the rear of the application site and the adjoining terrace.

The existing property is vacant and was last used for retail purposes falling within the Class E(a) use class. However, planning permission has been granted for the change of use from Use Class E(a) to a betting office (Sui-Generis), see planning application 68967 in the Planning History section below.

Permission is sought for the installation of a new shop front on the ground floor of the front elevation, and air conditioning units to the rear elevation of a mid-terraced retail premises located on Church Street West, in Radcliffe Town Centre. Due to the rear of the property being 3 storey, when viewing the site from across the river, the air conditioning units will be positioned on the first floor and the proposed satellite dish would be located close to the eaves of the property.

Relevant Planning History

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

68967 - Change of use from retail (Class E(a)) to licensed betting shop (Sui Generis) - Approve with Conditions, 11/01/2023.

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

Publicity

Adjoining properties have been formally consulted by letter. No representations have been received.

Statutory/Non-Statutory Consultations

Environmental Health (Pollution Control) - No objections.

Traffic Section - No objections, subject to the inclusion of two informatives advising of the need to protect the adopted highway when replacing the shop front.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/8 Shop Fronts
EN1/1 Visual Amenity
EN7/2 Noise Pollution

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

Design and Visual Amenity

UDP Policy EN1/2 seeks to ensure that proposals do not have an adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Policy EN1/8 of the UDP further seeks to ensure that proposals for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene. UDP Policy EN1/ 1 concerns itself with safeguarding the visual amenity of localities.

In terms of the proposed shop front, the proposal would provide a large area of glazing, an entrance door and an area for signage. The proposed shop front would be constructed from polyester powder coated in blue, with single glazed safety glass. It is considered that the proposal would modernise the frontage, but would not detract from the overall character of this row of local shops as identified within the UDP.

In terms of the proposed air conditioning units and satellite dish to the rear; the rear of the property is visible from a path running along part of the River Irwell on the opposite side of the river to the application site, with partial views achievable from Blackburn Road in views from the bridge over the River Irwell. An external steel staircase exists to the rear of this property.

Due to the three storey nature of the property the location of the air conditioning units and the proposed satellite dish would appear high up. However given the retail/ commercial use of the terraces, and the presence of the external steel staircase, the proposed additions would not look out of place in their context and thus would not cause demonstrable harm to visual amenity.

For all of the above reasons it is considered that the works proposed would comply with UDP Policies EN1/1, EN1/2 and EN1/8.

Residential Amenity

UDP Policy EN7/2 seeks to limit noise pollution, and will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/ or amenity of users.

The general intent of the planning system is to ensure that a development does not result in 'significant adverse impacts on health and quality of life' (NPPF para 123). BS 4142 considers that the threshold of 'significant adverse impact' is likely to be around 10 dB or more, depending on the context.

The nearest noise-sensitive locations have been identified as follows:

- Windows at the façades of residential properties of 6 and 14 Church Street,
- The gardens of 6 and 14 Church Street.

A Noise Assessment carried out in accordance with the standards within BS 1442 by Sharps Redmore Acoustic Consultants, dated 31 January 2023 has been submitted at the request of the Local Planning Authority.

Within the assessment calculations have been undertaken to determine the specific plant noise level at the noise-sensitive locations and, where appropriate, penalties for distinguishable characteristics have been applied to calculate the noise rating level during the opening hours of 09:00-22:00 7 days a week. This has then compared to the measured background sound level and an assessment of noise impact established.

Based on the information provided within this report, the calculated plant noise rating level does not exceed the background sound level. At the façades of the nearest residential

noise-sensitive receptors predicted noise levels are significantly lower than the measured background sound level. As such, in accordance with the assessment procedures of BS 4142:2014, the proposed condensers would have a low impact. In terms of assessment according to the National Planning Practice Guidance (NPPG) hierarchy, the proposed condensers would have No Observed Adverse Effects. The Council's Environmental Health (Public Protection) team have assessed the submitted Noise/ Acoustic Assessment and are satisfied that the proposed air conditioning units would not result in conditions detrimental to the amenity of nearby residents. Accordingly, the proposals are considered to accord with the UDP Policy EN7/2 and the relevant parts of National Planning Practice Guidance.

Taking account of all of the above, it is recommended the proposals be approved.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. A Noise Impact Assessment was incorporated into the scheme and the mitigation recommended has been secured by planning condition. 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/PROP/202: Proposed Front Elevation; and,
Drawing no. FINAL/AC/502: Proposed A/C, SIS Details

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 - 17/02/2023			