

**DELEGATED REPORT**

|                                  |                                   |                                |
|----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Dean Clapworthy | <b>Date of report:</b> 09/12/2022 | <b>Ref:</b> 68893/FUL          |
| <b>Registration:</b> 13/10/2022  | <b>LDFC:</b> 09/11/2022           | <b>Expiry Date:</b> 08/12/2022 |
| <b>Site Visit:</b> 19/10/2022    | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0             | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> COUS        |

**Proposal:** Change of use from residential dwelling (Class C3) to therapy consulting rooms/office (Class E)

**Location:** 92 Stand Lane, Radcliffe, Manchester, M26 1JU

**Description**

The proposal relates to a 3 bedroom traditional terraced dwelling that adjoins the end of terrace that presents a gable elevation to Fir Street. It backs onto a cobbled rear street and is flanked by dwellings on either side. It is located on a main transport route into Radcliffe and there are commercial properties in the locality and a public car park opposite.

The proposal is for the change of use from residential dwelling (Class C3) to therapy consulting rooms/office (Class E). The supporting statement states that the premises would be used two councillors (whilst there would be three counselling rooms) and describes that there is a national and local shortage of suitable counselling for clients due to NHS backlogs. The rooms would be for clients with common emotional challenges and not for patients that would need NHS care for more severe mental health problems.

Appointments would be for pre-booked 50 minute sessions (with 10 minutes between clients) and it would operate between 09:00 and 18:00. It would be rare for any overlap. There would be no music or amplified sound and the Statement describes the operation as being generally extremely quiet.

No physical alterations are proposed.

**Relevant Planning History**

N/A

**Publicity**

Advertised by direct neighbour notification. No representations received.

**Statutory/Non-Statutory Consultations**

Traffic Section: No objection.

Environmental Health - Pollution Control: No comments received.

**Pre-start Conditions** - Not relevant

**Unitary Development Plan and Policies**

|       |                            |
|-------|----------------------------|
| EN1/2 | Townscape and Built Design |
| EC4/1 | Small Businesses           |
| EC5/3 | Other Office Locations     |

HT2/4 Car Parking and New Development  
HT6 Pedestrians and Cyclists

## **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**

### **Policy**

UDP Policy EC4/1 states that proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan. UDP Policy EC5/3 supports offices outside of identified

areas where they are small scale and provide a direct service in the local area, where residential amenity would not be adversely affected.

**Principle**

There are no policies that would defend against the loss of residential uses. The site is positioned 150m from the edge of Radcliffe town centre, close to public transport routes and hubs and there are other commercial uses in the immediate locality. The application explains that there is a need locally for counselling venues and services. The proposal would therefore be acceptable in principle, subject to consideration of the following matters.

**Residential amenity**

The premises are flanked by dwellings and would therefore share common walls to bedrooms and other habitable rooms. The nature of the proposed use has been set out in the submission and is described above. It is accepted that the proposed use is likely to be quiet given that it would entail one-to-one counselling sessions in a maximum of two rooms simultaneously, with no group activity and no amplified sound. This would take place during 'normal' office hours during the week. The use is therefore unlikely to generate noise that would exceed ambient noise levels expected at a typical family home.

There have been no objections and the Environmental Health Officer has not commented.

Given the precise nature of the proposal and the range of uses that fall under the definition of Class E, it would be appropriate to limit the the potential to move between the categories of uses under the general umbrella of Use Class E to those that would not undermine neighbouring residential amenity.

**Highways and parking**

The site does not have any dedicated off-street parking. However, SPD 11 would require a maximum of 3 parking spaces for the proposed use and 2 for the existing use. There is a small public car parking opposing the site and it is located within walking distance of transport routes and the bus station in the town centre. The Highway Officer has raised no objection.

Given such circumstances, the proposal would not have any unacceptable impacts on the highway network.

**CONCLUSION**

The proposed use would not have any unacceptable impacts on amenity in the locality or highway safety. Given this, the proposal would be compliant with the above stated policies, SPD11 and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

**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  
Location Plan (Dwg No. TQRQM22250210404121)  
Site Plan (Dwg No. TQRQM22250210118666)  
Proposed Floor Plans dated 17/10/2022  
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 use of the building hereby approved shall not commence until secure cycle parking for two bicycles have been provided at the site. The facility shall remain available for users of the development thereafter.  
Reason. To secure satisfactory cycle facilities on site and in accordance with Unitary Development Policies HT6 - Pedestrians and Cyclists; HT6/1 - Pedestrians and Cycle Movement.
- 4 The use hereby approved shall not be open to customers outside the following times: 09:00 to 18:00 on Mondays to Fridays  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies EC4/1 and EC5/3 of the Bury Unitary Development Plan.
- 5 The premises to which this approval relates shall be used only for Class E (c) (i) Financial services, (ii) Professional services, (e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner) or (g) (i) Offices to carry out any operational or administrative functions.  
Reason. In order to protect the amenity of neighbouring properties, pursuant to policies EC4/1 and EC5/3 of the Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| DSC                 | 09/12/2022  | DM                      | 09/12/2022  |