

DELEGATED REPORT

Report by Helen

Date of report: 23/10/2020

Ref:65885/FUL

Goldsbrough

Registration: 16/09/2020

LDfC: 06/10/2020

Expiry Date: 11/11/2020

Site Visit: 24/09/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: MIOT

Proposal: Installation of external stairs/access at rear to existing first floor flat

Location: 155 Ainsworth Road, Radcliffe, Manchester, M26 4FD

Description

The application relates to an end terraced property located on Ainsworth Road. The ground floor of the site is utilised as a takeaway, with the first floor utilised as a residential unit. The existing first floor residential unit can be accessed from a door that fronts Ainsworth Road that leads to the staff room and takeaway kitchen. An internal staircase that leads off the kitchen is then used to access the first floor.

Planning permission is sought for the construction of an external staircase, to gain access to the existing residential unit at first floor. The internal staircase access is shown to be retained as existing. The application does not include subdivision into two separate planning units, with the first floor retained in association with the takeaway.

Relevant Planning History

39325 - Change of use from vacant building to hot food takeaway - Approve with Conditions 20/08/2002

39326 - 1 x Internally illuminated shop sign - Approve with Conditions 20/08/2020

Publicity

Neighbour letter sent 16/09/2020 and 23/09/2020. No representations received.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No comments to make

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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 victimization;

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.

Visual Amenity

Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The area is mixed use in character, with commercial properties located at the ground floor of the adjoining properties within the terrace. Residential flats appear to be retained for the first floors of these properties. The proposal would not see the subdivision of the existing unit at this time, with the existing internal entrance to the residential flat maintained as such no change of use application is required at this time. Residential terraced properties are also located to the front and rear of the site. There is an enclosed, external staircase visible at the rear of the row of terraces that appears to be utilised to enter No. 165a.

Due to the mixed character of the area, and the existing flat entrances it is considered that the introduction of a further external staircase would not detract from the visual amenity of the locality. The staircase would be visible from Red Bank Road, and as such would not be a secluded entrance that could be detrimental in terms of security for the residential users of the site.

In this instance it is considered that the proposal would not have a detrimental impact on

the character of the property, street scene or neighbouring buildings and would therefore comply with UDP Policy EN1/2.

Residential Amenity

There are no adopted aspect standards between residential and non-residential uses however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The proposed stairs could create a raised viewing platform when viewed in relation to any neighbouring properties and as such it's impact needs to be fully considered.

The ground floor of the properties to the north relate to commercial properties. The property that immediately adjoins the residential entrance to the takeaway is a bookmakers, with a local shop located adjacent to this. To the south of the proposed stairs is a single storey commercial unit at No. 1-5 Red Bank Street, and a ground floor shop at No. 153 Ainsworth Road. As such it appears that any yard areas associated with these premises are in use by commercial rather than residential properties.

The residential properties to the rear of the site that face onto to rear offset and separated from site by back street. Whilst these properties do not have a direct relationship aspect standards have been considered in any event. The highest part of the proposed stairs would be located approximately 14 metres from the rear boundary of No. 110 exceeding the 7 metres required by SPD 6. As such, the proposal is considered to comply with guidance as set out within SPD 6.

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. These were incorporated into the scheme and/or have 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 decision relates to drawings numbered ZT20-196-00, ZT20-196-01 and ZT20-196-03 received 27th August 2020, ZT20-196-02 received 25th September 2020, ZT20-196-04 received 16th October 2020 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	23/10/2020	DM	04/11/2020