

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 23/12/2021 | <b>Ref:</b> 67810/FUL          |
| <b>Registration:</b> 29/11/2021 | <b>LDfC:</b> 22/12/2021           | <b>Expiry Date:</b> 24/01/2022 |
| <b>Site Visit:</b> 17/12/2021   | <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> MIOT        |

**Proposal:** Installation of a residents access gate to the rear of the site to assist with security

**Location:** 50 Water Street, Radcliffe, Manchester, M26 4DF

**Description**

The application site contained the British Legion Club building, which has been demolished some time ago. The site has been redeveloped and contains a block of 19 apartments. The site is flat and the land to the north is at a higher level (approx 2 metres). The site is accessed from Water Street via an unadopted access that also serves the adjacent properties and pedestrian access from Water Street and Wallwork Street.

There are residential properties to the north and north east of the site and there is a three storey nursing home to the east. There are two storey offices to the west and Water Street forms the boundary to the south with apartments beyond.

Outline planning permission was granted in April 2017 for 19 apartments with a mix of 1 and 2 bed units in a single building. The proposed building would be three storeys in height adjacent to the offices on the west side, rising to 4 storeys near the nursing home on the east side. The proposed building would be constructed from brickwork and render with a concrete tile roof. The site would be accessed from Water Street and a car park of 26 spaces would be sited to the east and to the north of the proposed building.

Consent was granted in October 2021 for the variation of condition 2 (approved plans) and the removal of condition 16 (affordable housing) and its replacement with a Section 106 legal agreement.

The proposed development involves the provision of a gate on the pedestrian access from Wallwork Street to assist with security. The proposed gate would be 1.7 metres in height and would be metal.

**Relevant Planning History**

59375 - Outline - demolition of existing building and erection of 1 no. building containing 19 no. apartments with associated car parking and amenity space - Approve with Conditions 25/04/2017

63917 - Demolition of existing buildings and erection of block of 19 no. apartments with associated external works, landscaping and car parking at site of former British Legion Club, 50 Water Street, Radcliffe. Approved with conditions - 31 July 2019

65205 - Variation of condition no. 2 (approved drawings) and removal of condition no.16 (affordable housing) of planning permission 63917:

2 - Amend the position of the access, bin store & parking services

16 - Condition to be removed and replaced with S106. at 50 Water Street, Radcliffe. Approved with conditions - 14 October 2021.

Adjacent site

56621 - New entrance porch, landscaping, parking and external alterations at Rose Court Nursing Home, 44 - 48 Water Street, Radcliffe. Approved with conditions - 27 September 2013.

57091 - Non material amendment following grant of planning permission 56621 for relocation of existing bin storage arrangement, 1.8 metre close boarded timber fencing to perimeter of parking area with gates and alterations to arrangement of car parking spaces at Rose Court Nursing Home, 44 - 48 Water Street, Radcliffe. Approved with conditions - 7 February 2014.

### **Publicity**

The neighbouring properties were notified by means of a letter on 30 November 2021. There has been no response.

### **Statutory/Non-Statutory Consultations**

None required.

**Pre-start Conditions** - Not relevant.

### **Unitary Development Plan and Policies**

#### **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.

**Design and layout** - The proposed gate would infill the existing access between a brick wall, which leads from Wallwork Street. The proposed gate would be 1.7 metres in height and would be constructed from metal. As such, the proposed gate would not be a prominent feature in the streetscene and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - The proposed gate would open onto the access to Wallwork Street, which contains a number of parking spaces for the apartment building and an access to the rear of the properties fronting onto Knowles Street. As the access is already used, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

**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 numbered 4367/103 A 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> |
|---------------------|-------------|-------------------------|-------------|
| HL - 23/12/2021     |             | DM                      | 05/01/2022  |