

DELEGATED REPORT

Report by Claire Booth	Date of report: 29/04/2025	Ref: 71681/FUL
Registration: 12/03/2025	LDFC: 04/04/2025	Expiry Date: 07/05/2025
Site Visit: 11/04/2025	Site Notice: 10/04/2025	Press Date: N/A
18:00:00		
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of fire exit door and ancillary works to front elevation

Location: Unit F18/19, 7 South Street, Bury, BL9 0JS

Description

The property is a vacant double retail unit located at Unit F18/19, 7 South Street, The Rock, Bury, BL9 0JS.

The property, which is currently vacant, is situated within The Rock Shopping Centre area in Bury Town Centre. Retail properties/units surround the property to the north, south and east, and the application site is situated opposite Primark and is located between a units occupied by Build-A-Bear Workshop and H&M.

To the rear (west) of the property is an internal service yard. This gated service yard is accessed by vehicles from Clerke Street.

The property is accessible via a pedestrianised street (South Street) within The Rock Shopping Centre area. Bury Public Transport Interchange is located approximately 500m to the southwest of the site.

This property is not located within or near to the boundary of the Bury Town Centre Conservation Area. The property is not a listed building or located in close proximity to any listed buildings.

Following approval of planning application 71342 on the 29 February 2025 - see section below - planning permission is sought to install a set of fire escape doors within the front elevation, at ground floor level. The proposed double fire doors would be recessed approximately 750mm into the building. The proposal is required to meet Building Regulations requirements relating to safe egress from buildings in the event of a fire.

Relevant Planning History

71342 - Change of Use from Use Class A1 (Use Class E(a/b)) to Use Class E(e) to a dental practice. Approved with Conditions, 27/02/2025

56234 - 4 No. internally illuminated fascia signs; 1 No. internally illuminated projecting sign
- Approved with Conditions, 03/06/2013

48384 - Mixed use development comprising shopping, financial and professional services and food and drink uses within the A1, A2, A3, A4 and A5 Use Classes, residential use within Use Class C3, comprising 297 units; assembly and leisure uses within D1 and D2 Use Classes; Nightclub use; multi-storey and other car parking; new streets, highways and other means of circulation and other associated works and facilities. Approved, 28th November 2007

Publicity

The application has been advertised by Site Notice which was tied onto a pillar supporting the roof canopy that provides a covered walkway in front of the retail frontage. The site notice was erected on the 11 April 2025.

No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections

Pre-start Conditions - Not applicable

Development Plan and Policies

Area	The Rock/Moorgate
BY8	
TC3	Bury Town Centre
TC2	Town Centre Enhancement and Development
S1/1	Shopping in Bury Town Centre
S2/2	Prime Shopping Areas and Frontages
S2/3	Secondary Shopping Areas and Frontages
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The matters for consideration is the effect of the proposed development would have on both the design and visual amenities of the Rock Shopping Area and on highway safety.

Design and Visual Amenity

UDP Policy EN1/2: 'Townscape and Built Design' requires proposals to not have an unacceptable adverse effect on the particular character and townscape of the Boroughs towns, villages and other settlements.

South Street within the Rock Shopping Area was originally designed as being fully glazed frontages that ran along the frontage of the pedestrian shopping area. Whilst the proposed fire escape seeks to be recessed from the frontage of the unit, it is considered to be suitably designed to ensure the fire escape doors are not seen as part of the primary shopping frontage of both the dental practice approved and the main shopping frontage along South Street. The proposal is therefore considered to accord with the requirements of UDP Policy EN1/2.

Highway Safety

UDP Policy HT6/1 - 'Pedestrian and Cyclist Movement' seeks to ensure that pedestrians and cyclists are able to move safely and conveniently.

PfE Policy JP-C5: 'Streets for All' and JP-C6 'Walking and Cycling' both seek the design of streets and development to ensure streets are welcoming for all, and respond to the needs of those with reduced mobility and ensuring the ability of pedestrians and cyclists to navigate easily, safely and without delay, and minimising barriers and obstacles to their movement.

The Rock Shopping Area is a pedestrianised area.

The proposed fire escape has been set back into the building from the frontage and therefore the doors of the fire escape would not open on to, or encroach on to, the pedestrian area along the frontage of the retail units on South Street. The proposal would therefore not have an adverse impact on pedestrian safety and would not prevent access to the shopping area for people with disabilities or particular special needs. Accordingly the proposal accords with UDP Policy HT6/1 and PfE Policies JP-C5 and JP-C6.

The main entrance into the unit approved by application 48387 in November 2027 which approved level accesses into the units would remain and thus the proposal still complies with the requirements of UDP HT5/1: Access for Those with Special Needs meaning

access to the approved dentists use will be accessible for all.

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. 444.LP: Location Plan;
Drawing no. 444.BP: Block Plan;
Drawing no. xxx.02: Proposed Floor Plans; and,
Drawing no. 444.P.01: Existing and Proposed Elevations, Plans & Section

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 Places for Everyone Joint Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	29/04/2025	DM	02/05/25