

DELEGATED REPORT

Report by Tom Beirne	Date of report: 02/10/2025	Ref: 72258/FUL
Registration: 11/08/2025	LDfC: 23/09/2025	Expiry Date: 06/10/2025
Site Visit: 27/08/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: External works to existing fenestration and demolition of single storey rear extension

Location: 78-80 Church Street West, Radcliffe, Manchester, M26 2SY

Description

The application relates to a two/three storey, end terraced commercial property located on Church Street West. The site is currently vacant but was formerly used as a furniture showroom and workshop. The main building is "L" shaped with a single storey porch extension to the front, and a single storey rear extension accessed from the basement level to the rear. An existing single storey commercial unit is attached to the rear of the building.

Residential properties are located to the south east of the site and there is a mixture of terraced residential and commercial properties to the north and south west. Two storey industrial units are located to the north east of the site, as well as pedestrian access to the metro link station.

The proposal involves external works to existing windows and the demolition of the single storey rear extension.

Relevant Planning History

02271/E - Change of use from workshop/showroom to 5 residential dwellings and 3 retail units - Enquiry completed 02/04/2019

70563 - Change of use from former showroom/workshop to 28 no. bedroom (single occupancy) building of multiple residential occupation (Sui Generis) - Refused 11/06/2024

71801 - Prior approval for proposed change of use from showroom/manufacturing (Class E) to 20 no. apartments (Class C3) - Prior Approval Required and Refused 20/05/2025

72206 - Prior approval for proposed change of use from commercial (Class E) to 18 no. flats (Class C3) -

11/0094 - Untidy property and land - 19/12/2011

Publicity

Immediate neighbours notified by letter dated 01/09/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

EN1/2 Townscape and Built Design

JP-P1 Sustainable Places

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.

Visual amenity - The proposed new windows would be a significant improvement over the existing rather dilapidated ones and improve the appearance of the building within the streetscape.

The single storey extension at the rear is in poor condition and not prominent. As such its demolition would not have a detrimental impact on the design and appearance of the existing built.

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The proposal is acceptable and complies with UDP Policy EN1/2 Townscape and Built Design and Places for Everyone Policy JP-P1 Sustainable Places.

Residential amenity - Given the nature of the proposal and the fact that it does not introduce any new windows, there are no residential amenity issues arising. The proposal is acceptable and complies with policy and guidance in relation to residential amenity.

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 01, 02, 21 and 22 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	02/10/2025		