

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/04/2022	Ref: 67938/FUL
Registration: 02/02/2022	LDFC: 28/02/2022	Expiry Date: 30/03/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of first floor (Class E) to (C3) residential; new external rear staircase and elevation alterations.

Location: 7 Deansgate, Radcliffe, Manchester, M26 2SH

Description

The application relates to the first floor of a shop unit which fronts Deansgate and is located within a row of properties that makes up a prime shopping area and frontage as defined in Policy S2/2.

The 1st floor is currently unused and it is proposed to change the use to a residential unit with the installation of an external staircase at the rear and form a new door opening at the first floor.

The staircase would be located in the existing rear yard and access would be via the existing passageway off Thomas Street.

Internal accommodation would comprise 1 no. bedroom, living/dining area and bathroom.

Relevant Planning History

65555 - Installation of new shop front - Approve with Conditions 10/07/2020

67900 - Non-material amendment following grant of planning permission 65555 for installation of new shop front: Change of materials and design - Approve with Conditions 16/12/2021

Publicity

Letters sent on 8/2/22 and 17/2/22 to 12 properties.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
Area	Blackburn Street/Dale Street/Church Street West
RD1	
HT2/4	Car Parking and New Development

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.

Impact on residential amenity - It is not uncommon for residential accommodation to be located above a retail/commercial unit and in any event, this element of the proposed development would not require planning consent.

The proposed staircase would be located at the rear and set away from the boundary with the adjacent property, No 5 which also appears to be a residential unit at first floor with the nearest window to the site being a bathroom. It is therefore considered the position of the staircase would not have a significant harm to the occupier of the upper floor of No 5 and therefore considered to be acceptable and comply with H2/1 and H2/2.

Impact on visual amenity - Located at the rear, and overlooked by a car park, the rear of the property is not highly visible and the inclusion of a staircase would be a relatively minor and unobtrusive addition and as such considered acceptable.

Bin store - There is adequate space in the rear yard area to facilitate bin storage for the residential unit.

Access - There is an existing passageway from the side street which would be utilised as the access to the site and which would be an acceptable arrangement in this case. The site is located in the town centre and public car parks nearby and as such, dedicated parking is considered unnecessary.

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 Proposed location and block plan 7 DEANS RAD-01; Proposed location and block plan 7DRF-L02; Proposed off-street parking plan 7DRF-L03; Location plan 7DRF-L01; Proposed ground floor plan 7DRF-P03; Proposed first floor plan DRF-P04; Existing and proposed front elevation 7DRF-E05; Proposed elevations - sheet 1 7DRF-E03; Proposed elevations - sheet 2 7DRF-E04; Existing ground floor plan 7 DRF-P01; Existing elevations - sheet 1 7DRF-E01; Existing elevations 7DRF-E02; Existing first floor plan 7DRF-P02. 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 bin storage facilities indicated on the approved plans shall be implemented prior to the use hereby approved commencing and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Bury UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.

<u>Case Officer</u> JT 11/4/22	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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