

DELEGATED REPORT

Report by Claire Booth	Date of report: 22/11/2023	Ref: 70057/FUL
Registration: 29/09/2023	LDFC: 20/10/2023	Expiry Date: 24/11/2023
Site Visit: 06/11/2023	Site Notice: N/A	Press Date: N/A
15:10:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of existing garage at side of residential property (Class C3(a)) to hairdressing business (Class E) to include raising of roof height and replacing garage door with window and render

Location: 1 Woodgreen Drive, Radcliffe, Manchester, M26 1BF

Description

The application relates to the eastern end of pair of semi-detached dwellings located on the south-side of Woodgreen Road, Radcliffe, accessed from Outwood Road. The property has a flat roof garage located to its side. At the rear of the property is a bowling green associated with the Hare and Hounds Public House located on Outwood Road. Opposite the front of the properties are similar semi-detached dwellings.

Planning permission is sought to change the use of this existing garage to a hairdressing business (Class E). Permission is also sought to raise the roof height by approximately 0.5 metres and replace the garage door to a window and to render the new walling underneath the window.

Access to the garage building and proposed business would be via a door located on the side nearest the dwelling.

Within the existing outbuilding it is proposed to install a Sink and Backwash, have a Cutting Chair/ Salon Station for 1 Client and a Self Contained WC. Opening hours are proposed Monday to Friday - 9am - 6pm, with no opening at weekends.

Relevant Planning History

Not applicable.

Publicity

8 neighbouring properties have been notified about this application proposal. No representations have been received

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Environmental Health - Pollution Control - No objections.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

EC4/1	Small Businesses
EN1/2	Townscape and Built Design

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs. PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

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.

ASSESSMENT

Principle of Development

UDP Policy EC4/1 - Small Businesses states that proposals will be acceptable where the scale of development is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located.

Although the site is not within an established shopping centre, there is scope under UDP Policy EC4/1 for small local businesses to set up in other areas where appropriate, depending on the scale and character of that business.

In this case, the proposed development would be of a modest scale with customers limited to one at a time. Hours would operate similar to 'typical' working days and for all intents and purposes, trips to and from the property by customers could be comparable to a dwelling which has regular visitors.

Given the scale of the proposed business within the local setting, it is considered the proposed development would be acceptable in principle and comply with EC4/1.

Residential amenity

In terms of its modest size and customer numbers, the proposed development should not cause serious harm to residential amenity of immediate neighbours. Access would be from the front of the property and the number of customers at one time would be limited, as would the hours of opening which are considered to be when people are generally at work or carrying out day to day tasks. Therefore it is considered that comings and goings and associated activity would not be significant to cause amenity issues to neighbours.

It is reasonable to approve the development on the basis that it is a personal consent for the applicant only and that the use is restricted to hairdressing/beauty salon and no other use within Class E. The hours of working are normal daytime hours, Monday to Friday 09.00 to 18:00 and no working a weekend and these are considered acceptable, given the nature of the proposal.

The Primary access to the proposed is proposed to be via a side door to the unit located to the far end of the detached building. The entrance is to be accessed via a passage between the main dwelling and the proposed converted garage. This will add further visual shelter from any surrounding residents seeing the access and egress of any clients.

There have been no representations made to the application.

For the above reasons, is therefore considered the proposed development would be acceptable and comply with UDP Policies EC4/1 and EN1/2.

Visual Amenity

The outbuilding is already in situ and the size, height and position of the outbuilding would be permitted development. The outbuilding has a standard flat roof garage appearance which would be raised slightly and a roof light inserted and would still appear very much as a domestic garage/ outbuilding to the property. As such the proposed increase in height and replacement of the garage door with a window is considered to be acceptable within the residential setting. The proposed development would therefore comply with UDP Policy

EN1/2.

Parking

The existing garage outbuilding has a driveway that is to be used as a parking space. The property also has another parking space within the area to the front of the property.

The scale of the development to serve one customer at a time would not generate significant levels of traffic and therefore the projected vehicular traffic to and from the site would be limited and should not cause undue problems to surrounding residents nor cause demonstrable harm to highway safety. The proposed development is therefore considered to comply with UDP Policy EC4/1.

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 Ref: Planning Portal Location Plan;
Drawing Ref: Streetwise: Block Location Plan;
Drawing No. 1 :50@A3-MCE X02 - Proposed Floor Layout Plan; and,
Drawing No. 1 :50@A3-MCPR01 - Proposed Elevations

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 the National Planning Policy Framework.

- 3 The use hereby permitted shall be carried on only by the occupants of 1 Woodgreen Drive, Radcliffe, M26 1BF and shall be used for hairdressing only and for no other purposes, including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any equivalent Order following the revocation and re-enactment thereof (with or without modification).

Reason. In the interests of residential amenity and highway safety pursuant to UDP policies EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design.

- 4 The use hereby permitted shall not be open to customers outside the following

times:

09.00 to 18.00 Mondays to Fridays.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design. .

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	22/11/23	DM	22/11/23