

DELEGATED REPORT

Report by Helen Pressley	Date of report: 30/06/2025	Ref: 71900/FUL
Registration: 23/05/2025	LDfC: 16/06/2025	Expiry Date: 18/07/2025
Site Visit: 26/06/2025	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 from flat (Class C3) to Hot Food Takeaway for storage and staff room (Sui Generis)

Location: 155A Ainsworth Road, Radcliffe, Manchester, M26 4FD

Description

The application relates to an end terraced property located on Ainsworth Road. The ground floor of the site is utilised as a takeaway, with the first floor utilised as a residential unit. The existing first floor residential unit can be accessed from a door that fronts Ainsworth Road that leads to the staff room and takeaway kitchen. An internal staircase that leads off the kitchen is then used to access the first floor. The existing flat can also be accessed from an external staircase.

Planning permission is sought for the change of use of the existing first floor flat to storage and a staff room in association with the ground floor use. No external changes are proposed.

Relevant Planning History

39325 - Change of use from vacant building to hot food takeaway - Approve with Conditions 20/08/2002

39326 - 1 x Internally illuminated shop sign - Approve with Conditions 20/08/2020

Publicity

Neighbour letters sent 23/05/2025. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - We would not raise any issues subject to the restriction of the storage and staff uses, and adequate bin storage and access arrangements being shown on a proposed site plan and then conditioned.

Environmental Health - Pollution Control - Conditions requested in relation to the submission of a scheme for the treating, diluting and dispersing fumes and odours and noise.

The Coal Authority No response

Public Health - requests caveats in relation to opening hours, and a commitment to work with public health on healthier food/cooking options.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
S1/5	Neighbourhood Centres and Local Shops
S2/6	Food and Drink
EN7/2	Noise Pollution
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
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.

Principle (Use)

The site is located within a Neighbourhood Centre and Local Shops allocation as set out under UDP Policy S1/5. This policy seeks to retain retailing as the predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day to day needs of residents and businesses.

The National Planning Policy Framework indicates that significant weight be placed on the need to support economic growth and maintain the shopping hierarchy.

Given the proposed use of the premises as a hot food takeaway, the proposal should also be considered against UDP Policy S2/6 - Food and Drink which states that, in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, the Council will have regard to the following factors:

- a) the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b) whether or not the proposal would result in an over concentration of Class A3 to A5 uses, which could adversely change the nature or character of a centre as a whole;
- c) parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d) provision for the storage and disposal of refuse and customer litter;
- e) the environmental impact of any ventilation flues and/or ducting

Existing use

The ground floor of the unit is currently in use as a takeaway as approved under application 39325.

Proposed use

Paragraph 96(c) of the National Planning Policy Framework states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Public Health have been consulted as part of the application process and highlighted that the fast food matrix currently shows that:

- Has high levels of all IMD (Index of Multiple Deprivation) markers but especially health and children's IMD markers
- 28.8% of year 6 (10–11-year-olds) are overweight or obese in this LSOA (Lower Layer Super Output Area) however Radcliffe North is showing overweight and obesity as 38.6% so getting up to 4/10 young people, nearly 1 in 2
- There are already 3 fast food, take aways in that LSOA
- No schools in that LSOA
- Its ranked very high for adult obesity 3 out of 120 LSOA's (top 3%)
- Its in the 2nd highest quintile for Diabetes diagnosis
- We know that residents in this IMD have the lowest physical activity levels

Due to the above Public Health have asked for consideration around opening hours, with the proposed take away would remaining closed between 3pm-6pm and commitment to work with Public Health on healthier food / cooking options.

In this instance however, the proposal is for ancillary storage and staff rooms associated

with the takeaway use rather than a new takeaway and it would be unreasonable to attach additional conditions in relation to opening hours considering that the ground floor use could continue to operate as existing. Conditions however will be utilised to ensure that the proposed first floor use is retained for ancillary uses.

Layout and Design

No external changes are proposed.

Amenity

Residential properties are located to the rear of the site, with flats located above the ground floor uses in the shops to the north of the site. The proposal seeks to introduce a first floor store adjacent to the shared wall with 157A Ainsworth Road. This would replace a habitable room (lounge). The proposed staff room would be located adjacent to the gable elevation of the property. Given the relationship proposed no undue disturbance is foreseen with this relationship.

Environmental Health have asked for conditions to be added in relation to the submission of a scheme for the treating, diluting and dispersing fumes and odours and noise. No external alterations are proposed, and no amendments to the existing ground floor kitchen layout. The proposals are limited to internal alterations to provide storage and staff areas and as such it is not considered that these conditions would be required.

The application is therefore considered to comply with Policy S2/6 - Food and Drink in this respect.

Access and Highways

The rear yard would be maintained as existing as bin storage. Highways have asked for a restriction of the first floor uses and that adequate bin storage and access arrangements to be conditioned and shown on a site plan. As set out above, the takeaway use is existing. There is an existing rear yard that can be accessed directly from the ground floor, the first floor (via stairs) with an access onto Red Bank Road that is currently utilised for bin storage.

Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The de-minimis exemption would apply. The proposal is for a change of use of an existing building and less than 25 square metres of habitat would be lost through the proposal as the proposal would utilise an area occupied by an existing building, and hardstanding.

Carbon and Energy and Digital Connectivity

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

The proposal would not see any external alterations. Internal alterations relate to uses of rooms rather than reconfiguration of walls etc.

PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting.

Full fibre is available if required.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify

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various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Location Plan, ZT20-196-01, ZT20-196-02 received 20th June 2025, ZT20-196-03, ZT20-196-04 received 20th June 2025, ZT20-196-05 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.
- 3 The development hereby approved shall not be occupied at any time other than for the purposes of ancillary storage, staff room and bathroom as shown on approved drawing ZT20-196-04 received 20th June 2025 in association with the ground floor takeaway use.
Reason. To ensure the proposed use remains ancillary to the principle use on the site.

<u>Case Officer</u> HP 30/06/2025	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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