

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 12/06/2025 | <b>Ref:</b> 71782/FUL          |
| <b>Registration:</b> 09/04/2025 | <b>LDFC:</b> 06/05/2025           | <b>Expiry Date:</b> 04/06/2025 |
| <b>Site Visit:</b> 01/05/2025   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| 11:00:00                        |                                   |                                |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> COUS        |

**Proposal:** Change of use from office (Class E) to 1 no. residential dwelling (Class C3);  
Alterations to fenestration to front elevation

**Location:** 9 Water Street, Radcliffe, Manchester, M26 3DE

**Description**

The application site is a two storey terraced commercial buildings in a row of similar retail/ commercial uses, located within a Neighbourhood Centre, as defined within the Development Plan, that is located to the north of Radcliffe Town Centre. The attached properties on either side are commercial and there are residential properties immediately to the rear.

Following the application for Prior Approval to change the use of the Change of use from office (Class E) to 1 no. residential dwelling (Class C3), planning permission is sought for alterations to the fenestration to front elevation, primarily removing the existing roller shutter doors and box and replacing it with a ground floor window. The window is to open internally.

Through the course of the application, the plans have been amended slightly to add annotations relating to the ground floor window proposed to open inwards, and noting that the area where the existing shop front would be infilled with matching materials (brickwork), and adding an additional two refuse storage bins to the plans.

**Relevant Planning History**

71636 - Prior approval for proposed change of use from commercial (Class E) to 1 no. dwelling (Class C3) - Prior Approval Not Required, 24/03/2025

**Publicity**

6 adjoining and nearby properties have been notified by letter. No representations have been received.

**Statutory/Non-Statutory Consultations**

**Property & Technical Services - Estates** - Verbally advised the row of properties to which the application relates are Council owned that are let on a 999 year lease.

**Traffic Section** - No objections subject to the amended plans showing

**Environmental Health** - Pollution Control - No objections.

**Waste Management** - No comments or observations received.

**Pre-start Conditions** - Not relevant

### **Development Plan and Policies**

|       |                                               |
|-------|-----------------------------------------------|
| S1/5  | Neighbourhood Centres and Local Shops         |
| S2/4  | Control of Non-Retail Uses in All Other Areas |
| H1/2  | Further Housing Development                   |
| H2/4  | Conversions                                   |
| EN1/2 | Townscape and Built Design                    |
| HT2/4 | Car Parking and New Development               |
| SPD11 | Parking Standards in Bury                     |
| JP-C1 | Our Integrated Network                        |
| JP-C2 | Digital Connectivity                          |
| JP-C8 | Transport Requirements of New Development     |
| JP-C6 | Walking and Cycling                           |
| JP-H3 | Type, Size and Design of New Housing          |
| 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.

As the principle of development has been established by virtue of the Prior Approval for the change of use of the property from an office (Class E) to 1 no. residential dwelling (Class C3) was granted under application no. 71636 the matters for consideration relate solely to the external changes proposed and any impact on highway safety.

### **Design, Layout and Visual Amenity**

The proposal seeks to remove the roller shutter door and roller shutter box and replace the ground floor frontage with a door and window to appear as a traditional terraced property. The design of which would be an improvement to the existing run down shop front. The submitted application form does not include details of the proposed material to be used to infill the previous shop front and at the time of submission, neither did the submitted plans. Amended plans have therefore been received noting that the area covered by the existing shop front will be infilled in matching materials to the host property. This will be acceptable in the street scene. A planning condition is therefore recommended securing this.

There are no external changes proposed to the rear of the property that has a rear single storey rear extension which gives the rear of the property a staggered elevation.

The internal layout of the property would provide a two bedroom dwelling. The ground floor of the property would have a kitchen-dining room, a utility room and a Living Room.

The bedrooms would be located upstairs and each would be served by en-suites facilities. The space provided exceeds the national minimum space standards requirements and thus the proposal accords with the space standards in terms of floor area and room sizes, set out in Policy JP-H3: Type, Size and Design of New Housing. A report accompanies this application advising the building is served by fully functioning fibre connection. The proposal thus complies with Policy JP-C2: Digital Connectivity. The layout of the proposal is therefore acceptable.

Amended plans have been received, illustrating satisfactory refuse storage provision would be provided within the area to the rear of the application building. The Local Highway Authority has some concerns with an existing refuse collection point area close to the Lord Street boundary of the terrace where vehicular access exists to the row of commercial property that exists on this terrace (nos. 5-15 (odd) Water Street).

### **Highway Safety**

The Local Highway Authority raised some concerns during the course of this application relating to the proposed ground floor window opening out on to the adopted highway and also querying whether sufficient bin storage can be accommodated off the adopted highway. Amended plans have therefore been received addressing their concerns. The proposals are therefore acceptable in this regard.

### **Conclusion**

Subject to the recommended planning conditions securing the amended plans addressing the Local Highway Authority's requirements, the proposal is acceptable. It is therefore recommended that the application be approved.

**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 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 the following drawings:

Drawing ref. Location Plan, dated 27-Mar-2025  
Drawing no. 003 Rev. 3: Proposed Plans and Elevations  
Drawing no. 502 Rev. 1: Site - Existing and Proposed.

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 the Bury Unitary Development Plan and Places for Everyone Joint Development Plan.

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans.

Reason. To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 The refuse storage facilities indicated on the approved plans reference 502 Rev. 1 shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.

Reason. In order to ensue that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and good design, pursuant to Policy EN1/2 - 'Townscape and Built Design' of the Bury Unitary Development Plan, Policy JP-C8: 'Transport Requirements of New Development' of the Places for Everyone Joint Development Plan and the National Planning Policy Framework and the National Design Guide.

- 5 Prior to occupation of the development hereby approved all the external works shown on Drawing No. 003 Rev. 4 shall be completed, in accordance with the approved details.

Reason: To address the unsightly appearance of the building and to ensure the

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development is sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity, in accordance with the requirements of Policies H2/4 and EN1/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| CB                  | 12/06/2025  |                         |             |