

Description

The application relates to a to a corner property, formally two properties, within a Local Shopping Centre at the southern end of Ainsworth Road, which was formally a Post Office with an apartment above and occupying the whole of no. 2 Water Lane Street, located on the corner of Ainsworth Road, Water Lane Street and Smyrna Walk.

The ground floor of no. 21 Ainsworth Road is in use as a residential apartment, approved by application 62815. This part of the property has a single storey rear extension. There is a yard area on the north side of the application site with an access gate onto Water Lane Street. There are residential properties to the north, along Ainsworth Road. Most of the commercial properties in the Local Shopping Centre are to the south of Ainsworth Road and along Water Street.

Permission is sought to consolidate the existing two flats to allow the building to become 4 apartments and to install a first floor window on the gable elevation of 2 Water Street Lane. It is proposed to add more refuse bins to the rear yard. It is also proposed to install a first floor window in the gable elevation of the property nearest to Smyrna Walk.

At the time of application 62815, removal of the shop front and insertion of ground floor windows was approved. These external works have not been carried out in accordance with the requirements of conditions 2 (approved plans) and 3 (matching materials) and therefore during the course of the application, the plans have been amended to address the unsightly appearance of the property and to illustrate that the yard area can accommodate sufficient refuse storage provision for each of the four apartments which would occupy the building.

The block work infilling the former shop frontages is now proposed to be rendered and the existing windows are to be replaced with windows with a vertical emphasis.

Relevant Planning History

62815 - Change of use from ground floor shop (Class A1) to 1 no. flat (Class C3); External alterations - Approved with Conditions, 28/06/2018

Whilst the flat approved is occupied, the change of use and external alterations associated with the plans and conditions pursuant to application no. 61815, which conditionally approved the change of use of the ground floor of the former Post Office to a flat and associated external alterations, had not been carried out in accordance with the above approval, namely:

1. Matching materials have not been used to infill the former shop front, contrary to condition no. 3 pursuant to application 61815;
2. The windows are not in the place shown on the approved plans, contrary to condition no. 2 of the same permission; and,
3. A set of patio doors have been inserted in the ground floor of the rear elevation, contrary to condition no. 2.

The current application seeks to address issues raised with the inclusion of the windows on the Ainsworth Road elevation proposed with a more vertical emphasis, the inclusion of patio doors on the rear elevation at ground floor and the infill block work is proposed to have a rendered finish.

Publicity

Adjoining and nearby properties have been formally consulted by letter. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Waste Management - No objections as yard area is big enough to accommodate the required refuse storage provision.

Environmental Health - Pollution Control - No comments or observations received.

Pre-start Conditions - Non relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Principle of Development

The application relates to a to a corner property comprising two properties; 21 Ainsworth Road was formally a Post Office and 2 Water Lane Street, Radcliffe is a Class C3 residential property with a single storey rear extension.

The former Post Office had an apartment above which formed part of the residential use occupying the whole of no. 2 Water Lane Street. The ground floor of no. 21 Ainsworth Road is in use as a residential apartment. This was approved by application 62815, where the change of use of the property from a Class A1 (retail) use to a Class C3 (dwellinghouse) was granted in 28 June 2023. The use of the application site for Class C3 dwellinghouse purposes is therefore established.

This proposal to consolidate the existing two flats to allow the building to become 4 apartments in total, is therefore acceptable in principle and thus accords with UDP Policy S2/4 - 'Control of Non-Retail Uses in All Other Areas'.

Design and Visual Amenity

The current appearance of the property is unsightly and really detracts from the street scenes of both Ainsworth Road and Water Lane Street. The windows installed are not as per the previous approval and the former shop frontage has been filled with breeze block.

This application seeks to improve the appearance of the property, by replacing the windows in situ with larger windows and rendering the existing block work. The proposed amendments would improve the appearance of the building significantly.

A first floor window is proposed in the gable elevation of the property that sides on to Smyrna Walk. This window is of a similar size to the existing first floor windows in the property and therefore, provided this new window is fitted with a stone head and cill, which can be secured by planning condition, this part of the proposal is considered to be acceptable. Such a condition is recommended.

Permission is also sought to retain white upvc patio doors on the side elevation of no 21 Ainsworth Road which have been inserted to serve a living room. This elevation is visible in views from Ainsworth Road. Whilst the patio doors do look quite stark on an otherwise blank gable elevation, the harm identified is not significant enough to justify refusal of the application on this basis.

The rear yard would be a shared amenity space and would be used for bin storage as it is currently. Whilst the Waste Management section has advised that the size of the bins shown on the amended Site Plan are not a size provided by the Council, the amended Site Plan clearly indicates that sufficient bin storage can be accommodated within the yard area and that bins can be collected from Water Lane Street/ Smyrna Walk. The proposal is therefore acceptable and complies with UDP Policy H2/4e) The Form of New Residential Development.

Residential Amenity

All existing windows and doors would also be utilised and therefore nearby residents will experience nothing different by the proposed intensification in use of the application site.

One new first floor window is proposed on the gable elevation of no. 2 Water Land Road and it is proposed to retain a set of ground floor patio doors which have been inserted into the gable elevation facing 23 & 25 Ainsworth Road.

In respect of the first floor window proposed in the gable of 2 Water Lane Street which lies adjacent to Smyrna Walk and would partly overlook the gable end of no. 1 Melton Walk, a residential property and the rear gardens of properties on Melton Walk, the gable of this neighbouring property is blank and therefore no overlooking or loss of privacy to these properties would occur and due to the position of the window there would be no ability to directly overlook any of the habitable rooms on the rear elevation of the neighbours property. The rear garden areas for all properties are not protected from being overlooked.

Retrospective permission is sought for the patio doors on the side elevation facing the gable end of nos 23 & 25 Ainsworth Road. The gable end of this neighbouring building is blank and thus no loss of amenity would be caused by retaining this ground floor opening.

On the basis of the above, the proposal accords with UDP Policy H2/4a).

Amenity of Future Occupants

The national minimum space standards deal with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

Each apartment is of a size that accords with the nationally prescribed space standards. In addition, all habitable rooms would be served by natural light. The rear yard area of the property is also large enough to provide external amenity space as well as space to store refuse bins and the cycle storage rack noted on the submitted Proposed Site Plan. On this basis, the proposal accords with criteria e) of UDP Policy H2/4.

Access and Parking

The proposal does not include any on-site parking. However, due to the close proximity if the apartments within the Local Shopping Centre, close to the centre of Radcliffe and public transport routes, it is not considered there would be a requirement for off-road parking for two additional occupants of these two properties. As such the proposal is acceptable and accords with UDP Policy HT2/4(e) and HT2/4 (Car Parking and New Development) as well as the sustainability requirements of the National Planning Policy Framework.

Conclusion

Taking account of all of the above, subject to the recommended conditions, the proposals are acceptable in principle and would result in the visual improvement of the building and would not cause demonstrable harm to either the general character of the area, the amenity of neighbouring property or cause harm to highway safety in this locality. The proposed development would also provide a satisfactory level of accommodation for future occupants. The proposals would therefore accord with Policies S2/4, H2/4 and HT2/4 of the UDP and it is therefore recommended that the application be approved.