

DELEGATED REPORT

Report by Claire Booth	Date of report: 18/09/2024	Ref: 70846/FUL
Registration: 12/07/2024	LDFC: 13/08/2024	Expiry Date: 06/09/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Variation of condition no. 3 (external finishing materials) of P/P 69852: Render the front and side elevations from the stone base at ground level up to the underside of the brick band course

Location: 227 Ainsworth Road, Radcliffe, Manchester, M26 4EE

Description

The application site is located on the west side of Ainsworth Road on the corner of Herbert Street, at the cross roads of Ainsworth Road with Herbert Street to the west and Houldworth Street to the east. The area is primarily residential in nature with terraced streets extending from each side of the cross roads. An area of land containing single garage plots exists at the rear of the application site. This area of land separates the rear of properties on Ainsworth Road from semi-detached properties on Lever Street.

Following approval of application 69852 in which permission was granted for the change of use of a property located on the corner of Ainsworth Road and Herbert Street, Radcliffe, from a Florist shop (Use Class E(a)) to a residential dwelling (Use Class C3), and for the replacement of the existing shop frontage with a window involving infilling the rest of the shop frontage opening with brick to match the existing host building and the terrace to which it forms part of, this proposal seeks to vary the materials condition, Condition no. 3 pursuant to application 69852, in order to render the area where the shop frontage existed, on the front elevation and part of the side elevation of the property. The reason put forward as to why this variation is sought, is that due to the age of the terrace, matching bricks cannot be sourced.

Relevant Planning History

69852: Change of use from shop (Class E) to residential dwelling (Class C3); Replacement of existing shop front with front door and window - Approved with Conditions, 09/10/2023.

Publicity

8 nearby neighbours have been formerly consulted by letter about this application. No representations have been received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

H1/2	Further Housing Development
H2/4	Conversions
EN1/2	Townscape and Built Design
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.

Variation of Condition applications only look at the changes proposed to the approved development, so as such, consideration of the Principle of Development and Parking, Access and Servicing are not required. The matter for consideration in this case, relates solely to the external appearance of the property and its effect on the street scene. This is discussed below:

Visual Amenity

The existing building is a traditional stone terraced property with a chamfered front corner where the entrance to the former shop exists with shop windows on the front elevation and part of the side elevation.

The proposed change in material for the infill portions of the proposed development from matching brick to render and the complete render of the ground floor portion of the front elevation of the property and the ground floor portion of part of the side elevation, covering the area where the shop front on Herbert Street existed is considered to be acceptable, given it would be very difficult to find bricks to match the age and colour of the brick work on this property, and new bricks would appear visually discordant within the street scene. The proposed use of render would fit in comfortably with adjacent properties and in the wider street scene, therefore the proposal would accord with UDP Policy EN1/2(b).

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The proposal would deliver much needed residential development in a highly sustainable location and without detriment to the character and appearance of the area, highway safety or amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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:

Location Plan;
Block Plan; and,
Drawing no. P02D: Proposed Site, Floor Plans and 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 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 (drawing nos. P02D).

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 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	18/08/2024	DM -	19/09/2024