

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 09/10/2023 | <b>Ref:</b> 69852/FUL          |
| <b>Registration:</b> 16/08/2023 | <b>LDfC:</b> 06/09/2023           | <b>Expiry Date:</b> 11/10/2023 |
| <b>Site Visit:</b>              | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> COUS        |

**Proposal:** Change of use from shop (Class E) to residential dwelling (Class C3); Replacement of existing shop front with front door and window

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

### **Description**

The proposal relates to a two storey end terraced stone building located on the corner of Ainsworth Road and Herbert Street, Radcliffe, that was occupied partly as a floresty/ retail unit within part of the ground floor of the building, with the remainder of the property being in ancillary residential use. The property has a small piked dormer on the front roofslope and has decorative eaves, which appear to be a feature of the terrace to which this property forms part.

The proposal seeks to make the property entirely residential and to replace the shop front, security shutters, and canopy with a window and door.

### **Relevant Planning History**

Not applicable.

### **Publicity**

Advertised by direct neighbour notification letters.  
No representations have been received.

### **Statutory/Non-Statutory Consultations**

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

**Traffic Section** - No objections.

**Pre-start Conditions** - Not relevant

### **Unitary 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) 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.

## **ASSESSMENT**

### **Principle of development**

The former retail unit is not a protected asset as identified within the Unitary Development Plan or the National Planning Policy Framework.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban area, that being on Ainsworth Road in a built up area, and is surrounded by established residential uses and close to routes well served by public transport and to facilities, goods and services. As such, the site is the most sequentially preferable for the release of land for housing and it would be unnecessary to demonstrate the the retail element was no longer viable. Furthermore, the site falls in a sustainable location with regard to services and public transport. The principle of the development is

therefore acceptable, subject to consideration of other material planning considerations.

### **Visual Amenity**

The existing building is a traditional stone terraced property with a chamfered front corner where the entrance to the shop exists. Proposed changes to the external elevation include removal of the shop front on the front of the property, its security shutters and a front canopy, removal of the shop window on the side elevation overlooking Herbert Street, and to replace these with:

- A window on the front elevation to match the height and width proportions of the existing first floor window and neighbouring terraced properties; and
- Infill brickwork to the front and side of the property.

The proposed new window would reflect the height and width proportions of adjoining and adjacent terraced properties, therefore provided materials of a very similar appearance to existing and adjoining properties are used, and a stone head and cill is provided to the new window, the proposal would fit in comfortably with adjoining and adjacent properties.

### **Residential Amenity**

The property is attached to a residential property; no. 225 Ainsworth Road.

Given that there was an existing residential accommodation to the rear of the existing shop which also occupied the first floor of the property with habitable room windows the proposal would not further undermine residential amenity at nearest properties.

### **Parking, access and servicing**

The Highway Officer does not object to the proposal, recommending only that a bin storage condition be attached. However, the existing residential dwelling was already in existence and bin storage takes place in the limited rear yard area, so a condition is considered to be unnecessary.

### **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. P02A: 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 external finishing materials for the proposal hereby approved shall match those of the existing building and the front ground floor window shall be fitted with a stone head and cill.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| CB 9/10/23          |             | DM 9/10/23              |             |