

DELEGATED REPORT

Report by Claire Booth	Date of report: 19/08/2024	Ref: 70781/FUL
Registration: 24/06/2024	LDfC: 14/08/2024	Expiry Date: 19/08/2024
Site Visit: 23/07/2024	Site Notice: 23/07/2024	Press Date: 04/07/2024
15:00:00		
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Alterations to side elevation to include reinstatement of door and window; 2 no. existing windows to be replaced with 2 no. double doors; Installation of extraction duct to side elevation.

Location: 460 Bury New Road, Prestwich, Manchester, M25 1AX

Description

The application relates to the former Barclay's Bank building (Use Class E(c)(i) Financial Services), a traditional red brick heavily revived Victorian baroque building on Bury New Road, Prestwich, that is located between the Istanbul Grill restaurant, former Willton Arms, building and a pedestrian thoroughfare, named 'Longfield'. The rear of the building is accessible via the pedestrian through route and by Poppythorn Lane.

The building is a non-designated heritage asset, as to is the former Wilton Arms/ Istanbul Grill adjacent. The building is within the defined Town Centre of Prestwich on an allocated Secondary Shopping Frontage, as defined by the adopted Unitary Development Plan.

Planning permission is sought for alterations to the north facing side elevation that includes:

- the reinstatement of door and window openings that were enclosed when the building operated as a bank/ financial institution;
- 2 no. existing windows to be replaced with 2 no. double doors; and,
- Installation of extraction duct/ flue to south facing side elevation of rear addition.

During the course of the application, the plans have been amended removing an outside seating area, that was initially proposed on the adopted highway, in the pedestrian through route, and the door to be re-opened has been altered to open inwards rather than outwards on to the adopted highway.

Relevant Planning History

49381 - Internally illuminated fascia and projecting signs - Refused, 27/03/2008

49382 - Relocation of existing automatic teller machine from side elevation to front elevation - Approved with Conditions, 07/03/2008

49601 - Installation of 1 refrigerant unit and 2 air condensers at the rear of the branch - Approve with Conditions, 15/04/2008

54552 - Installation of new accessible external ramp to existing side entrance doors - Approve with Conditions, 25/11/2011

Adjoining the rear of the site - relating to the Longfield Shopping Centre

70449 - Hybrid Planning Application constituting EIA Development comprising:

- Full application for demolition of existing buildings/structures and erection of phased mixed use development including Community Hub with flexible uses of library, offices, medical/health services (Classes F1 (a-f), F2(b), E(c), E(e), E(g)) & retail uses (Classes E(a), E(b) F2(a)) & Sui Generis (hot food takeaway & bar), new Market Hall (Classes E(a), E(b) & Sui Generis (hot food takeaway and bar)), Commercial Building with flexible uses including retail, offices, gymnasium (Classes E(a), E(b), E(c), E(d), E(g), F2(a), Travel Hub with car parking & cycle parking (Sui Generis), public square & realm, associated landscaping, car parking provision, cycle storage & associated works; and,
- Part Outline application (all matters reserved) - mixed use development of residential (Class C3), flexible commercial, business, service, local community & learning uses (Classes E, F) & Sui Generis (hot food takeaway & bar), engineering works to Rectory Lane, new public realm, associated landscaping, car parking provision, cycle storage & associated works. Mind to Approve subject to a S106 agreement being signed.

Publicity

The application has been publicised by Site Notice, erected on the 23/07/2024 on a lamppost on the pedestrian thoroughfare at the side of the property.

13 adjoining and nearby properties were also notified about the proposals by letter on the 26/07/2024.

No representations have been received on this application.

Statutory/Non-Statutory Consultations

Traffic Section - No objections to the submitted amendments, subject to a condition requiring a minimum of 2 x 1100 litre refuse bins.

Environmental Health - Commercial Section - No comments or observations received.

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

Conservation Officer - No objections, subject to satisfactory details of design and materials for door reinstatement and fenestration alterations for new doors. Also the proposed extraction flue should be painted black.

Waste Management - Commented that at least 2 x 1100 litre bins would be required for the proposed use and these would need to be stored off the adopted highway within the rear service yard.

Prestwich Village Neighbourhood Forum - No objections

Pre-start Conditions - Not relevant.

Development Plan and Policies

Area	The Longfield Centre/Bury New Road
PR1	
S1/2	Shopping in Other Town Centres
S2/3	Secondary Shopping Areas and Frontages
S2/6	Food and Drink
JP-C8	Transport Requirements of New Development
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.

The building, formerly used as a Bank, is a focal building on Bury New Road adjacent to the highway/ pedestrian walkway from Bury New Road into the public square within the Longfield Centre Shopping Centre. The property has been vacant since the closure of Barclays Bank on the 12 August 2022.

The planning application submitted relates only to the external alterations proposed. It is noted that planning permission has not been applied for to change the use of the property as both the former use of the building as a Bank, and its indicated use of it for restaurant purposes, are considered to be uses which fall under Use Class E - 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) Order 1987 (as amended). The matters for consideration are therefore as follows:

Design and Visual Amenity

The application relates to an attractive red brick, heavily revived Victorian baroque building with strong historic architectural features, which it is clearly a non-designated heritage asset. The building appears to have a hipped roof single storey addition which extends from the original gable end of the original building.

On its north-east facing elevation there are three vertical windows, two of which are proposed to be enlarged vertically by removal of the window sills to create double doorways. A former door opening is to be re-opened.

There are clear views of this elevation from the Public Square within the Longfield Centre complex, and from Poppythorn Lane as well as being partially visible from Bury New Road. The proposed alterations on this elevation would not cause any harm to historical architectural features on the original building as they are located on what is clearly a later, modern addition, which has limited architectural features, with the exception of its stone quoins and a stone band. The proposals would not look out of place within the street scene or from the public realm between the side and rear of the site extending to the Longfield Centre.

The other part of the proposal seeks to install an extraction duct/ flue on the south-east facing elevation of the building, which extends from a single storey modern flat roof addition abutting the original building. It would extend up a two storey gable. The submitted drawings are annotated that the duct will have a painted black finish.

The proposed flue/ duct would be visible from Poppythorn Lane, however, it is considered to be sited in the most appropriate place on the building and its visual impact would be minimised by both its siting against a first floor gable end and would be painted in a black colour to minimise its visual impact. This is therefore considered to be acceptable and compliant with heritage protection and design requirements within the NPPF and is acceptable from a visual amenity perspective.

Highway Safety

The proposal initially sought an external seating area on the adopted highway abutting the side elevation of the building and for one of the doors to open outwards on to the adopted highway. The Local Highway Authority raised objections to the initial proposals due to their encroachment on to the adopted pedestrian thoroughfare, which is one of the main routes from Bury New Road into the Longfield Shopping Centre complex, which would be detrimental to pedestrian/ highway safety. The proposals have been amended to address the Local Highway Authority's (LHA's) objections and are therefore considered to be acceptable to the LHA.

The Council's Waste Management department noted that the proposed use of the property would require a minimum of 2 x 1100 litre bins and therefore the LHA have recommended that a condition be imposed that a minimum of 1100 litre bins be stored within the rear yard area. As Poppythorn Lane is a vehicular highway/ access to the rear of both properties on Bury New Road and businesses operating within the Longfield Centre complex such a condition is justified.

Odour from Flue

In the assessment of this, the Council's Public Protection team have been consulted and have no comments, observations or objections.

Residential properties exist, both within the Radius high rise development (occupants residing within Granite Court, Zinc Court and Cedar Court) and residential development exists behind the properties on the opposite side of Bury New Road to the application site.

The prevailing wind at the majority of sites in Britain lies somewhere between west and

south (south-westerly winds). Whilst the applicant has submitted a 'Risk Assessment for Odour' and they consider the proposal would be a low to medium risk and asserting only a low level of odour control would be required, it is not clear whether the person completing this assessment is suitably qualified and therefore the assessment provided cannot be relied upon. In addition, Officers note that whilst the proposed flue would dispense above a roof ridge, this is the lower roof ridge on the building as the ridge of the bulk of the roof is at a higher level. Officers consider that the scoring criteria used is incorrect and note that the using the applicants assessment, the impact risk of the proposed flue would be high and therefore a high level of odour control would be required. A planning condition can be imposed to secure suitable mitigation so that the proposed flue would not cause any residential amenity issues. Such a condition is therefore recommended.

Conclusion

The proposed external alterations have been designed to be sympathetic to the historical features and fabric of this former Barclay's Bank building. The amendments submitted have also addressed the initial concerns of the Local Highway Authority. Therefore, subject to the recommended planning conditions, that includes securing a fumes and odour dispersal scheme, the proposal is recommended to be conditionally 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:

- Location Plan;
- Drawing no. PL.24015.003A: Existing & Proposed Site Plans; and,
- Drawing no. PL.24015.002B: Proposed Floor Plans and Side Elevations, 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 the Places for Everyone Joint Development Plan Document listed.

- 3 The extraction flue hereby approved shall be painted black in colour prior to the restaurant (Class E(c)(i) of the Use Classes Order) use shown within the application commencing and shall remain black in colour in perpetuity.

Reason: In the interests of the visual amenities of the street scene and of the host

property, a non-designated heritage asset, and in the interests of securing good design, as required by Policies EN1/2 of the Bury Unitary Development Plan, Policy JP-P1: Sustainable Places of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 4 A minimum of 2 No. 1100 litre communal bins (or similar capacity) shall be made available within the curtilage of the site/service yard, clear of the adopted highway, to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and subsequently maintained thereafter.

Reason: To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 5 Notwithstanding any details shown on the approved plans and the requirements of condition no. 2 of this permission, before the use hereby permitted first takes place a scheme for the provision of a system for the extraction and filtration of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- details of the siting, design and finish of any external plant and/or flue(s), including measures to ensure that any flue(s) extends not less than 1 metre beyond the eaves of the building and the terminal does not impede the upward flow of exhaust gases;
- a written statement from a suitably qualified person which demonstrates compliance with the measures proposed in the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development);
- the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements; and,
- a programme of equipment servicing/maintenance. The system shall thereafter be installed in accordance with the duly approved scheme and the extraction/ventilation equipment shall be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

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Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to Policy S2/6 - Food and Drink 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 19/8/24		DM 19/8/24	