

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/04/2022	Ref: 68028/FUL
Registration: 18/02/2022	LDFC: 18/03/2022	Expiry Date: 15/04/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey rear extension to provide a Use Class E unit; Single storey side extension for new external stair to access the basement; Change of use of basement store to Use Class E unit; Change of window and door fenestration to side elevation.

Location: 26 Bury New Road, Prestwich, Manchester, M25 0LD

Description

The site relates to an end terraced property in commercial use which is located on the end of a row of other shops/businesses which are within Sedgely District Shopping Centre and form a Secondary Shopping Frontage along Bury New Road. The property is located on a corner plot and forms the junction to the side street, Richmond Avenue comprise of semi detached and terraced residential dwellings.

The property itself is a 2 storey and a fairly sizeable build and projects rearwards by approx 15.8m which is similar to the rest of this row. External fenestrations would suggest the building was formally 2 separate units with the rear element fronting Richmond Avenue.

At the rear there is an area of hardstanding where a detached single storey store has been erected (without planning permission). Historic photographic evidence and past street views of the site have shown this area had previously been used to park 2 cars, accessed from an existing dropped kerb off Richmond Avenue. There was also a dwarf brick wall which formed the rear boundary of the site to the back alley but this has been removed and cars have been seen parked along the rear boundary of the site, adjacent to the rear access.

Internally, the existing floor layout comprises -

- basement - 4 ancillary rooms
- ground floor - single commercial unit and ancillary rooms
- 1st floor - 3 offices and staff kitchen

The application proposes a single storey rear extension to provide an additional shop unit, single storey side extension to facilitate an external stair to access the basement.

The rear extension would have a floor area of D 7m x W 7.5m (52.5 sqm) x H 3.6m.

The side extension would extend to the back edge of footway and be 7m in length with a retaining wall enclosure.

External alterations would comprise changes to the full length glazed bay window and additional window and door openings on the side.

Internally, the proposed accommodation would comprise -

- basement - 2 x storage rooms, and a Class E unit
- ground floor - 2 x Class E units and storage room
- 1st floor - 3 x office rooms.

Relevant Planning History

02606/E - Two storey rear extension; single storey side extension; external alterations and

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new external stair to basement - Enquiry completed 18/02/2022

66732 - Two storey rear extension; Single storey side extension; Change of window and door fenestration to side elevation; New external stair to access the basement associated parking spaces - Withdrawn by Applicant 25/05/2021

Publicity

Letters sent on 24/2/22 to 9 adjacent properties.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusals on lack of parking, servicing and insufficient information.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
S1/3	Shopping in District Centres
S2/3	Secondary Shopping Areas and Frontages
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN1/8	Shop Fronts
SPD11	Parking Standards in Bury

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 - The site is located within a District Shopping Centre and Secondary Shopping Frontage and is already in a commercial use at ground and first floor. The development proposes to expand the business units by providing an additional class E unit within the proposed single storey extension and re-configure the internal arrangements to utilise the basement space for a Class E unit.

The proposed development would therefore support the vitality and viability of the shopping centre and therefore considered to be acceptable in principle and would comply with UDP Policies and the NPPF.

Layout - The existing site currently has an unauthorised structure on the rear hardstanding area and 1 parking space. The proposed single storey extension for a new unit would be located over a large part of the hardstanding area with an area for bin storage provided across the back of the site but within the site curtilage for all units. The new unit would be off-set from the boundary by 1.5m and allow ample space for access by clients/staff/customers.

On the side elevation, a single storey extension to facilitate an external staircase to the basement level and new commercial unit would be formed along the site boundary, but contained within a retaining wall within the site. Details would be required by condition to ensure there would be no encroachment onto the footway/highway from any structures.

It is therefore considered the proposed layout would be acceptable within the District Shopping Centre and comply with EC4/1 and EN1/2.

The proposed development would however, result in the loss of parking within the site, but given the scale of development and location within a high access and sustainable area, this could be considered acceptable and not dissimilar to other commercial businesses or shops in the area. The issue of parking and access are covered in more detail in the section below.

Impact on visual amenity and streetscape - The proposed rear extension would be single storey with a flat roof with large glazed window along the south elevation and road frontage which would maintain an open shop frontage and considered acceptable. The remainder of the build would be brick and render which would be similar to other properties in the area. the side extension would be a brick built structure with black railings to facilitate the staircase to the basement level and is considered to be an acceptable design approach and appropriate within the existing street scene.

It is considered the proposed additions would not add a significant scale of development to be harmful to the streetscape or visual amenity of the area. The design and materials

would be compatible with the surrounding area.

It is therefore considered the proposed development would comply with policies EC4/1 and EN1/2.

Impact on residential amenity - The site is set in a shopping area although Richmond Avenue which runs to the south of the site is residential.

The proposed rear extension would project 7m rearwards along the shared boundary with No 26, the attached property, which is also in commercial use but may have residential accommodation at the upper floors. No 28 has a 2 storey outrigger on the rear elevation and there is a gap between the properties on the neighbours side which appears could provide an access to the property. There are no habitable room windows on the ground floor rear elevation of No 26 and therefore amenity of the occupiers of this property would not be significantly affected by the proposed development.

At the rear and across the intervening access street is No 3 Richmond Avenue. This property has a blank gable wall facing the site and as such considered not to be affected by the extension.

Similarly, the side extension and retaining wall to provide the staircase would not impact on the amenity of occupiers. A condition for a detail of the retaining wall adjacent to the footway would be included to ensure the structure did not impact on users of the pedestrian access.

It is therefore considered the proposed development would be acceptable and comply with EC4/1 and EN1/2.

Highways issues

At the current time, there is an existing storage shed on the hardstanding area and space for one car to park.

Past street views and aerial photographs of the site show that there has historically been, since 2009 to at least 2017 and possibly beyond, 2 legal parking spaces accessed off Richmond Avenue via the existing dropped kerb. This parking remained until the storage shed was constructed on site and there was only one space available.

The Highway Section view is that the development would result in the loss of 2 spaces providing no parking or adequate servicing arrangements for an intensified commercial/business premises which would lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety.

The Highway Section have also raised the issue that the application and plans do not provide sufficient information to confirm the limits of the built development in relation to the adopted highway and footway.

The Highway Section have therefore recommended refusal of the application.

It is acknowledged that the proposed development would result in the intensification of the use of the site whilst also taking away the dedicated parking, and thereby an increase in reliance for on-street parking by employees and customers/visitors.

Whilst there could theoretically be two spaces provided if the store structure was removed, this would still only provide nominal parking for the whole building. The site is also located in a high access and sustainable area, a District Shopping Centre and Secondary Shopping Frontage with established residential development close by and within walking distance. The site is therefore ideally located to serve local needs where customers/visitors/employees could access the site by foot. There are also excellent links to public transport and there is some on-street parking.

It is therefore considered that on balance, the scale of development to provide a new commercial unit and convert a small storage room for commercial purposes would not significantly intensify the use of the property or the site to such a degree to cause harm to the area, residents and other business owners in terms of parking.

Conditions could also reasonably require the submission of information to require details of the re-instatement of the existing dropped kerb and details of any structures or retaining wall close to the adopted highway to ensure the development would not impact on the public highway.

It is therefore considered the proposed development would be acceptable and not be contrary to EC4/1, HT2/4 and HT6/2.

The Highway Section have maintained their objection.

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 drawings - Project number GSS21003 - Site - Location and Block plan 001 rev 2; existing plans 002 rev 3; existing and proposed elevations 003 rev 11; proposed plans 004 rev 9; Site - existing and proposed 005 rev 1 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 listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
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.
- 4 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
 - Full details of measures to introduce boundary walls to all sides abutting the adopted highway without foundations encroaching under them, otherwise this would encourage parking where it cannot be accommodated. The wall should not obstruct a 2.4m x 25m visibility splay to the right at the junction of the back

street with Richmond Avenue.;

- In the event that any retaining structures are required that abut/sited in close proximity to the adopted highway, an 'Approval In Principle' for the proposed structure, incorporating full structural, construction and drainage details, calculations, pedestrian protection measures and a detailed construction method statement.
- Full details of works to reinstate the redundant access to adjacent footway levels on Richmond Avenue to a scope and specification to be agreed and removal of all redundant and provision of new road markings.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. Information not submitted at application stage. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 5 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 6 The bin store facilities shown on approved plan GSS21003 005 rev 1 shall be implemented and made available for use prior to the first occupation of the development hereby approved and thereafter maintained.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the property pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	8/4/22		