

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 28/03/2022	Ref: 68076/FUL
Registration: 11/02/2022	LDFC: 23/03/2022	Expiry Date: 08/04/2022
Site Visit: 03/03/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Construction of a replacement roof, installation of a new shopfront and relocation of the existing external ATM

Location: Esso Garage, 55 Bury Road, Radcliffe, Manchester, M26 2UT

Description

The proposal relates to an existing petrol station to which the shop unit has suffered fire damage to the roof such that it has had to be vacated and the associated shop operating from a temporary unit.

The proposal is for the construction of a replacement roof, installation of a new shopfront and relocation of the existing external ATM.

Relevant Planning History

52236 - Erection of 2.4 - 3m high fence and gates to enclose storage area; Infilling of redundant water course - Refused 04/06/2010
60995 - Variation of condition nos. 4 and 6 of planning permisison 58513 - Withdrawn - Invalid 09/01/2017

Publicity

No representations received

Statutory/Non-Statutory Consultations

None applcable

Unitary Development Plan and Policies

EN1	Built Environment
EN1/2	Townscape and Built Design
EN7	Pollution Control

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.

ANALYSIS

Visual amenity

The proposed development would include the installation of a new roof akin to the form and finishes of the previous pitched roof. The new shop front would be broadly similar to the existing in terms of glazing but would see the introduction of the corporate colours of the operating supermarket chain. The ATM machine would simply be moved from the east elevation to the south, closer to the entrance into the store.

Given these circumstances, the proposal would not have any unacceptable impacts upon visual amenity and would therefore comply with the above UDP policies.

Residential amenity

The proposal would not change the general circumstances at the site or introduce elements that have not previously pertained.

Other matters

The proposal would have no implications in relation to highway or other interests.

Conclusion

The proposed development would not have any unacceptable impacts on visual or residential amenity. Given this, it is not considered that the proposal would conflict with the above stated policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore 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 decision relates to drawings Dwg No. 200886 - PLNG1, Dwg No. 200886 - PLNG3, Dwg No. 200886 - PLNG4, Dwg No. 200886 - PLNG6 and the development shall not be carried out except in accordance with the drawings/particulars 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 finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 and EN1/2 of Bury Unitary Development Plan.

<u>Case Officer</u> DSC	<u>Date</u> 28/03/2022	<u>Sign off Officer</u>	<u>Date</u>
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