

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 04/12/2023	Ref: 70237/NON
Registration: 08/11/2023	LDfC: 01/12/2023	Expiry Date: 06/12/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non-material amendment following grant of planning permission 68198 for the Installation of two rapid electric vehicle charging stations within the car park of McDonald's. (Three existing parking spaces will become two EV charging bays, along with associated equipment):

Upgrade the charging station from a BYD 120kW charger to a BYD 160kW charger and change feeder pillar from RMC 1600 to RMC 2100

Location: McDonalds, 103 Bury New Road, Whitefield, Manchester, M45 7EG

Description

The application relates to the car park of a existing drive-through restaurant which is located on a site shared with Aldi foodstore within Whitefield Shopping Centre.

The site is accessed from Higher Lane, via Fountains Place and leads to the parking areas for both commercial businesses. Bury New Road forms the boundary to the east from which Higher Lane stems off to the towards the north and west.

Permission was granted for the installation of two EV chargepoints and feeder pillar within the car park of the restaurant.

The EV equipment would be located within the row of parking spaces which form the north east boundary of the car park adjacent to the pedestrian footway at the Higher Lane/Bury New Road junction.

the applicant is seeking to upgrade the make and model of the EV chargepoints and associated feeder pillar which were previously approved.

There would be no changes to the proposed siting of the equipment.

The application has been submitted as a non-material application to the original approval ref 68198.

Relevant Planning History

68198 - Installation of two rapid electric vehicle charging stations within the car park of McDonald's. (Three existing parking spaces will become two EV charging bays, along with associated equipment). - Approve with Conditions 01/06/2022

Publicity

N/a

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No response received

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/2	Townscape and Built Design
HT2/1	The Strategic Route Network
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
S1/3	Shopping in District Centres

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

The proposal to change the model the of EV chargepoint and feeder system would not result in changes to the proposed site layout or effect the parking arrangements to the existing car park than previously approved.

The appearance of the equipment would be modified slightly but to no great extent to effect the visuakl amenity of the streetscene.

It is therefore considered the proposed amendments are acceptable and considered to be non-material to the approved scheme ref 68198.

Recommendation: Approve

Conditions and Reasons:

The proposed amendments to upgrade and modify the EV chargepoint equipment and feeder pillar would not affect the character of the area and there would be no adverse impacts on the access, parking or appearance of the area. The development would still be in accordance with the principles of planning permission 68198 and the policies against which it would be approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	4/12/2023		