

DELEGATED REPORT

Report by Steven Gunn

Date of report: 23/03/2022

Ref:68054/FUL

Russell

Registration: 08/02/2022

LDfC: 09/03/2022

Expiry Date: 05/04/2022

Site Visit: 17/02/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: MIOT

Proposal: New shop front windows/door and relocating main entrance into premises.
(Retrospective)

Location: 503-505 Bury New Road, Prestwich, M25 7AJ

Description

The application relates to a ground floor unit that fronts onto Bury New Road within Prestwich Town Centre. The premises is an end terraced unit located within a row of properties that makes up a prime shopping area and frontage as identified within Policy S2/2 in the UDP.

Planning permission is sought for a new retail frontage for the premises. The proposal seeks to provide a new shop front windows/door and for relocating the main entrance into premises. Materials for the proposed shop front windows would include PVC-U A+ rated and finished in 'Anthracite', while the walls would be finished in a render using 'K' rend product Peel coloured.

It should be noted that this is a retrospective application, the application should therefore be assessed as if the development has not yet taken place. There is a separate application for the shop signage, also retrospective.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 15/02/2022 sent to 9 (nine) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

Traffic Section

N/A

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN1/8	Shop Fronts
EN1/7	Throughroutes and Gateways
S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
S3/3	Improvement and Enhancement (All Centres)
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
TC1/2	Pedestrian/Vehicular Conflict in Town 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. 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.

Visual Amenity

Policy EN1/2 seeks to ensure that proposals do not have an adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements taking into account layout, relationship, materials, accessibility, parking, landscaping, and lighting. Policy EN1/8 further seeks to ensure that proposals for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene.

The retail unit is already an established use with an existing shop front, and the existing centrally positioned entrance would be moved approximately two metres closer to the pedestrian crossing. The proposed materials are considered to be appropriate for this primary retail frontage. In this instance it is considered that the works proposed would comply with UDP Policy EN1/1, and EN1/2.

Highways – There are no proposed changes to the parking arrangements and the proposal would not affect the existing building access arrangements above and beyond the current situation. The main pedestrian access would have an inward opening doorway which is considered to be acceptable.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies EN1/1 Visual Design, and EN1/2 - Townscape and Built Design.

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 numbered DPB/ DN /21/17, and DPB/ DN /22/21 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 applicant's attention is drawn to the requirements of Section 153 of the Highways Act 1980 which prohibits the opening of doors, gates or bars outwards onto the adopted highway.
Reason: To maintain safe access along the highway pursuant to Bury Unitary Development Plan policies: TC1/2 Pedestrian/Vehicular Conflict in Town Centres, and HT6/1 Pedestrian and Cyclist Movement.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR 23/03/2022			