

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/06/2022	Ref: 68180/FUL
Registration: 08/03/2022	LDFC:	Expiry Date: 03/05/2022
Site Visit: 13/04/2022	Site Notice: 13/04/2022	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Refurbishment of the restaurant for alterations to shop front and entrance door, reconfiguration of parking bays and kerb lines; associated works to the site.

Location: Mcdonalds Ltd, Pilkington Way, Radcliffe, Manchester, M26 0SB

Description

The site relates to a drive through restaurant which is located off a dual carriageway at Radcliffe Town Centre. The area is characterised by other commercial development including a supermarket and petrol station and industrial premises.

The site itself comprises the restaurant, car park and drive through facilities.

The application proposes alterations to the elevations and entrance door of the restaurant building, reconfiguration of parking bays and kerb lines and associated works including internal fencing and changes to direction signage within the site car park.

Relevant Planning History

60813 - Reconfiguration of the drive thru lane and car park to provide a side-by-side order point, incorporating a new island for signage, reconfigured kerb lines and associated works to the site. Alterations to the elevations including the construction of extensions totalling 17.5 sqm, with replacement drive thru booths to be installed and a new freezer/chiller within the existing corral. The construction of a new remote bin store adjacent to the entrance of the site and a new patio area to the south of the site. The relocation of 1 no. existing Customer Order Display (COD) with the installation of 1 no. new COD, both with new Canopies overhead. The installation of a new Gateway height restrictor to replace existing and a new drive thru signage suite. - Approve with Conditions 13/01/2017

60814 - New signage suite to be installed to accommodate the new drive thru layout. Suite to comprise; 1 No. gateway height restrictor, 6 no. freestanding signs, 2 no. banner signs and 1 no. side by side directional sign - Approve with Conditions 12/01/2017

65270 - 3 no. internally illuminated double digital menu boards, 1 no. internally illuminated single digital menu board and 1 no. internally illuminated digital booth screen
- Approve with Conditions 21/04/2020

Publicity

Site notice posted 13/4/22

No responses received as a result of the publicity

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

Area	South of Pilkington Way
RD3	
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict

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 - The proposed works include alterations to the front entrance, new doorway openings and glazed lobby and fenestration alterations. The proposed external

changes would be relatively minor and therefore considered not to have a significant impact on visual amenity and would comply with EN1/2.

Highway issues - The proposed works to the car park including reconfiguration of the parking bays and kerb lines, internal fencing and directional signage and other such works. The proposed development would be relatively minor, contained within the site boundaries and not impact on the wider highway network route.

As such the proposed development is considered to be acceptable and comply with HT2/4 and HT6/2.

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 numbered Job No 12626_AEW_0983_Location plan 0001; Existing site plan 0003; proposed site plan 004 rev A; Existing and proposed site elevations 0005 B; Proposed GA Plan 0050 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 be as detailed on proposed site elevations plan 12626_AEW_0983_0005.
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 6/6/22			