

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 08/03/2023	Ref: 69243/FUL
Registration: 08/02/2023	LDFC: 08/03/2023	Expiry Date: 05/04/2023
Site Visit: 26/09/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of Unit 9 from cafe (Use Class E (b)) to drinking establishment (Sui Generis) and amalgamation with Unit 7 to form a mixed use shop and drinking establishment (Use Class E (a) and Sui Generis)

Location: Units 7-9 Longfield Centre, Prestwich, Manchester, M25 1AY

Description

The proposal relates to a vacant commercial unit (Use Class E(b)) that was most recently in use as a cafe, that is positioned within a 1970's shopping precinct. The site is located within the Prime Shopping Area of Prestwich town centre. The neighbouring unit 7 is presently in use as a specialist beer and drinks merchant with tasting room (Use Class E (a)).

The proposal is for the change of use of unit 9 from cafe (Use Class E (b)) to drinking establishment (Sui Generis) and amalgamation with unit 7 to form a mixed use shop and drinking establishment (Use Class E (a) and Sui Generis). The units would be amalgamated by the removal of walls between the two adjacent units. No external alterations are proposed.

The supporting statement states that the additional space would be able to accommodate approx. 30-35 covers. The proposed hours are stated as:

Monday, Tuesday and Sunday 12:00 - 20:00

Wednesday and Thursday 12:00 - 21:00

Friday & Saturday 11:00 - 22:00

However, the submission states that the business would not wish to trade outside of the hours of 09:00 to 23:00, suggesting the applicant would wish for a degree of flexibility.

Relevant Planning History

None

Publicity

Advertised by direct neighbour notification letter. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection.

Licensing Department: No comment provided.

Environmental Health - Pollution Control: No comments provided

Waste Management: No comments provided.

Greater Manchester Police - designforsecurity: No comments provided.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

Area	The Longfield Centre/Bury New Road
PR1	
S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
S2/6	Food and Drink

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.

ASSESSMENT

Principle

UDP Policy SS2/2 is out of date given that the relatively new Use Class E (Commercial, Business and Service), brings together a broad range of uses including the former A1/2/3, B1 (a-b) and 'indoor sport' from D2(e), all of which constitute main town centre uses in addition to bars and pubs. Therefore, the unit could change use within the broad range of uses permitted under Use Class E, without requiring planning permission (e.g. to non-retail uses).

Unit 9 was last in use as a cafe (i.e. not retail, which Policy S2/2 seeks to protect) and a pub/bar constitutes a main town centre use as defined by the National Planning Policy Framework.

The principle of the change of use at a town centre commercial unit is therefore acceptable. Thereafter, consideration needs to be given to the potential impacts upon amenity, parking and servicing provision.

Neighbouring amenity

There are no residential properties in the immediate vicinity of the unit, the closest being the flats in The Radius, around 60m to the north. The unit fronts onto a commercial street in a town centre position and is enveloped by other commercial units. There are two pubs on the east side of Bury New Road that are closer to the noted residential properties. Therefore, operation of the proposed pub between the hours of 09:00 and 23:00 would not have unacceptable additional impacts upon nearest residential amenities.

Access and highways

The site has a dedicated servicing area at the rear for deliveries and distribution and being in Prestwich town centre is well served with public car parks and is highly accessible by public transport and by foot.

Other matters

Waste storage is indicated as being to the rear of the units, akin to the existing and neighbouring businesses.

Given the town centre location, separation from nearest residential property and the presence of other public houses in the vicinity, there would be no reasonable justification for the imposition of conditions controlling operating hours. Furthermore, the operation requires a premises licence, which would consider operating hours.

CONCLUSION

The proposed use would support the role and function of Prestwich town centre without detriment to amenity or highway safety. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal 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

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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
Location Plan dated 13/02/2023
Proposed Site Plan dated 08/02/2023
Proposed Floor Plans dated 08/02/2023
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.

<u>Case Officer</u> DSC	<u>Date</u> 09/03/2023	<u>Sign off Officer</u>	<u>Date</u>
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