

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 05/05/2022	Ref: 68006/FUL
Registration: 11/02/2022	LDfC: 10/03/2022	Expiry Date: 08/04/2022
Site Visit: 22/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of hot food takeaway (sui generis) at no. 4 and bar (sui generis) at no. 6 to create a single restaurant (Use Class E) with alterations to shop front

Location: 4-6 Clifton Road, Prestwich, Manchester, M25 3HQ

Description

The proposal relates to no. 4 Clifton Road, Prestwich, which is a commercial unit on the north side of Clifton Road, around 20m west from its junction with Bury New Road. The subject property was last used as a hot food takeaway (sui generis) and there is a one bedroom flat at first floor, accessed via an external staircase. The site is flanked by a restaurant at no. 6 (at ground and first floor) and a vacant commercial property at no. 2 (both Use Class E). The site falls within secondary shopping frontage of Prestwich town centre, as defined by the Bury UDP.

The proposal is for the change of use and amalgamation of hot food takeaway (sui generis) at no. 4 and bar (sui generis) at no. 6 to create a single restaurant (Use Class E) with alterations to shop front

The proposed restaurant would cater for around 68 covers and the existing kitchen serving the former bar would be retained, and the bar relocated into the former kitchen area of the hot food takeaway. Hours of operation are intended as 09:00 - 24:00 Thursday to Sunday.

The alterations to the shopfront at no. 4 would involve extending the glazing to full height units. The existing extraction equipment at no. 6 would serve the whole amalgamated Use Class E unit. Refuse and recycling storage would be facilitated at the rear.

Relevant Planning History

None

Publicity

Direct neighbour notification undertaken. No comments received.

Statutory/Non-Statutory Consultations

Highway Officer: No objection, subject to a condition relating to refuse storage
Environmental Health - Pollution Control: No comments received.

Unitary Development Plan and Policies

S1/2	Shopping in Other Town Centres
S2/3	Secondary Shopping Areas and Frontages
EN1/8	Shop Fronts

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 of the development

The site falls within the defined Prestwich town centre. The proposal intends to change the use of two main town centre type uses and amalgamate them into a single larger unit that would be occupied by a Class E (Commercial, Business and Service), which is a main town centre use as defined in the glossary to the National Planning Policy Framework. Therefore, the principle of the proposal is acceptable.

Visual amenity

The proposed alterations to the shop front would be minor and would assimilate in the commercial character of the existing street scene.

Residential amenity

The accompanying acoustic assessment recommends mitigation measures to prevent unacceptable noise impacts to the existing first floor flat. These can be required by condition. The operating hours are akin to those pertaining at the bar and former takeaway and would be subject to control under the licencing regime.

Access and highway safety

The site is located in Prestwich town centre and so is well served by public transport and public car parks.

CONCLUSION

The above assessment demonstrates that the proposed development would be acceptable in principle and would not have any unacceptable impacts on visual and residential amenity or highway safety.

Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be approved.

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 Location Plan dated 21/01/2022 and Existing and Proposed Plans and Elevations (Dwg No. 2399_PRE_01_Planning_Rev_D 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 bin storage facilities indicated on approved plan reference 2399_PRE_01_Planning_Rev_D shall be implemented to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, pursuant to Policy S2/6 of the

DELEGATED REPORT

Bury Unitary Development Plan.

- 4 The development shall be carried out in accordance with the measures/recommendations at section 6.0 of the 'Separating Floor Assessment' by Lighthouse Acoustics dated 11/02/2022 and maintained as such thereafter.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant Policy S2/6 of the Bury Unitary Development Plan.

<u>Case Officer</u> DSC	<u>Date</u> 05/05/2022	<u>Sign off Officer</u>	<u>Date</u>
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