

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/05/2023	Ref: 69483/FUL
Registration: 04/04/2023	LDfC: 28/04/2023	Expiry Date: 30/05/2023
Site Visit: 21/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey rear extension

Location: 122 Bury New Road, Whitefield, Manchester, M45 6AD

Description

The application relates to a commercial premises which is located within a row of other businesses, shops and services within a secondary shopping frontage in Whitefield District Shopping Centre.

The property is a 2 storey terrace with an outrigger at the rear and the business provides a psychology service which operates over two floors and provides 3 treatment rooms, a reception, an office and staff facilities.

The rear of the property is accessed via an unadopted back street and there is currently an open yard with room for the parking of one car at the back of the building.

The application seeks a single storey rear extension to provide an additional room and larger area for staff welfare facilities.

The extension would be 3m high with a flat roof and project from the main back wall and outrigger to cover the majority of the rear yard leaving a space for bin storage and a stepped access from the extension which would be within the curtilage of the property. Materials would match the existing brick building.

Relevant Planning History

63882 - Change of use of first floor to form self-contained flat with new entrance at rear - Approve with Conditions 05/04/2019

09/0289 - Unauthorised change of use; untidy fascia - 10/11/2009

Publicity

Letters sent to 16 properties on 4/4/23.

No responses received.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No comments to make

Borough Engineer - Drainage Section - No response received.

United Utilities (Water and waste) - No response received.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution

S1/3	Shopping in District Centres
S2/3	Secondary Shopping Areas and Frontages
HT2/4	Car Parking and New Development

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.

Principle - The development proposes an additional facility for an existing business within an established shopping area which serves a local need and as such would be accepted in principle.

Impact on amenity - The property is located between No 120 and No 124.

SPD6 states that single storey rear extensions should not normally project in excess of 3m beyond the rear elevation of an attached property.

There is currently no boundary wall between the site and No 120. This neighbour has a single storey extension which projects approx half the length of their yard. The proposed extension would project approximately 3.5m past the rear elevation of the extension to No 120, which would be 0.5m more than generally accepted in SPD6. The ground floor of No 120 is in a business use and the windows on the rear elevation of their extension appear not to be habitable.

It is therefore considered that in this instance the proposed development would not have a significant;y adverse impact on the occupiers of No 120.

To No 124, there is an existing wall which runs the full length along the boundary. It is proposed to remove this wall which in itself does not require planning permission. The proposed extension would be set off the shared boundary and as such there would be no encroachment onto No 124. The applicant has conformed this by the submission of Certificate A.

Similar to the existing wall, the proposed extension would project the full length of the boundary and at 3m high with a flat roof would be no higher than the existing boundary wall. As such, the proposed development would not be significantly harmful comparative to the existing situation.

In terms of the proposed use, the premises already operates as a business and it is considered the proposal for an additional room/facility would not be of such a scale to add to noise, activity or disturbances to adjacent occupiers.

It is therefore considered that the proposed development would not have an adverse impact on the residential amenity of the adjacent occupiers and would comply with EC4/1, EN1/2 and SPD6

Visual amenity - The proposed extension would be a flat roof single storey addition and cover the floor area of the majority of the open yard area. Other properties on the row have similarly extended at the rear and this development would be no different. Located at the rear the extension would not be widely visible to public views.

It is therefore considered the proposed development would not be significantly harmful to the visual amenity of the area and would comply with EN1/2.

Parking - There is currently space for one car to park within the existing open rear yard. The siting of the proposed extension would result in the loss of this space. Other businesses and shops on this row have extended out at the rear to cover the whole footprint of their rear yard areas and this proposal would be no different. There is time limited parking on the main road in front of the shops for customers and some on street parking in the surrounding streets.

The site is located within a District Shopping Centre and highly sustainable area with the metrolink within walking distance and good connections to bus services.

It is therefore considered the proposed development would be acceptable and in accordance with the principle of sustainable development in the NPPF.

Bins - The bins would be located behind the extension within the curtilage of the site and would not encroach onto the rear back street.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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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 revised drawings drawings numbered - Revised plans received on 23/5/23 - Proposed block plan 2028-01 A; Existing plans 2028-02; Existing elevations 2028-03; Proposed plans 2028-04 A; Proposed elevations 2028-05 A; Proposed section 2028-06; Existing plans 2028-07 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 match those of the existing building.
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> JT 30/5/23	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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