

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/05/2022	Ref: 68198/FUL
Registration: 11/03/2022	LDfC: 21/04/2022	Expiry Date: 06/05/2022
Site Visit: 13/04/2022	Site Notice: 13/04/2022	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: Installation of two rapid electric vehicle charging stations within the car park of McDonald's. (Three existing parking spaces will become two EV charging bays, along with associated equipment).

Location: 103 Bury New Road, Whitefield, Manchester, M45 7EG

Description

The application relates to the car park of a existing drive-through restaurant which is located on a site shared with Aldi foodstore within Whitefield Shopping Centre.

The site is accessed from Higher Lane, via Fountains Place and leads to the parking areas for both commercial businesses. Bury New Road forms the boundary to the east from which Higher Lane stems off to the towards the north and west.

The proposed development seeks approval for the installation of two EV chargepoints and a feeder pillar within the car park of the restaurant.

The EV chargepoints would be 2m high and 0.5m wide and utilise three of the existing parking bays.

The EV equipment would be located within the row of parking spaces which form the north east boundary of the car park adjacent to the pedestrian footway at the Higher Lane/Bury New Road junction.

The feeder pillar would be 2.2m high and 1.7m wide and located approx 12m to the south on an existing hardstanding area within the car park.

Relevant Planning History

63597 - Alterations to elevations to include the construction of extensions totalling 52.9m² and new cladding to roof and an additional drive thru booth. New shop front glazing, relocated entrance and new boundary fencing. The reconfiguration of the drive thru lane to provide side by side ordering and associated works to the site with new and relocated signage including fascia signage. - Approve with Conditions 28/03/2019

63598 - Reconfiguration of drive thru lane to provide side by side ordering incorporating new island for signage and associated works to the site; Installation of 2 no. new customer order displays and the relocation of the existing goal post style height restrict or with new and relocated fascia signage;

Installation of 4 no. new fascia signs and relocation of 3 no. existing fascia signs

- Approve with Conditions 29/03/2019

63599 - Installation of 10 no. signs to accommodate the new drive thru layout; suite to comprise: 7 no. freestanding signs, 2 no. banner signs and 1 no. side by side directional sign (7 no. internally illuminated signs and 3 no. non-illuminated signs) - Approve with Conditions 29/03/2019

63600 - Installation of 1 no. new internally illuminated box display unit and relocation of 1 no. existing internally illuminated box display unit on existing pole sign - Approve with Conditions 29/03/2019

64053 - Installation of a new digital signage suite and the retention/relocation of 3 no. existing banner signs. Suite to comprise; 4 no. internally illuminated freestanding signs and

DELEGATED REPORT

3 no. non illuminated banner signs. - Approve with Conditions 30/05/2019
64068 - Non-material amendment following grant of planning permission 63597 for Alterations to elevations to include the construction of extensions totalling 52.9m2 and new cladding to roof and an additional drive thru booth. New shop front glazing, relocated entrance and new boundary fencing. The reconfiguration of the drive thru lane to provide side by side ordering and associated works to the site with new and relocated signage including fascia signage: Relocation of the goal post height restrictor and amended style of Customer Order Displays to correlate with digital signage suite - Approve with Conditions 03/05/2019

Publicity

Site notices posted 13/4/22

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objections

Environmental Health - Contaminated Land - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
HT2/1	The Strategic Route Network
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
S1/3	Shopping in District 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.

Principle

The NPPF advocates sustainable development and in Chapter 9 - Promoting sustainable transport para 112 states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The NPPF sets out clear guidance on the environmental role that a low-carbon energy can have in the future of planning and offers support to low carbon energy initiatives.

The proposed development would make available EV chargepoints for public use and would advocate the principles of sustainable development.

The Air Quality Section have been consulted and raise no objections. As the development is for the installation of a charging hub comprising 2 no. 120kw rapid EV chargers, a condition requiring the installation of EV charge points is unnecessary. A copy of the specification document for the chosen chargers (BYD, 120KW DC Charger, Model: EVD120KU/C01) has been provided.

The proposed development is therefore considered to be acceptable in principle and comply with the NPPF.

Highways - The proposed development would not encroach or impede pedestrian movement on the public footpath and there would be no concerns of restricted visibility for drivers at this point of the highways.

The overall loss of parking for the site would be minimal and the installation would not obstruct vehicle movement through the site.

The Highway Engineer has raised no objection.

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

Visual amenity - Whilst the proposed development would introduce structures - EV Chargepoints and feeder pillar - adjacent to the boundary with the pedestrian footway on a main through route and junction, the equipment would be no higher than 2.2m and not dissimilar to other structures found on commercially developed sites such as signage or car park payment meters.

as such it is considered there would not be a significant impact on visual amenity of the area and the proposed development would comply with EN1/2.

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 Location plan 10376_0353_02 rev A; Block plan 10376_0353_03 rev A; Planing site layout 10376_0353_01-PI rev A; Equipment elevations PS300 - with roots - 001_12 rev F; Equipment elevations - BYD 120kW charger 001_19 rev B; BYD 120kW DC Charger Technical Specification (EVD120KU/C01) V1 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	30/5/22		