

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 05/07/2023	Ref: 69668/FUL
Registration: 22/05/2023	LDFC: 19/06/2023	Expiry Date: 17/07/2023
Site Visit: 05/06/2023	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 with access ramp

Location: Elton Fold Working Mens Club, Leigh Lane, Bury, BL8 2RH

Description

The site relates to a social club which is located on a triangular shaped corner plot in a setting of mixed uses. Beyond the north and western boundaries are residential properties on Elton Fold Chase, to the east is a car repair garage and opposite the site to the south is a church and primary school.

The site comprises a social club which is a single storey traditional brick build which has attractive window and roof features and stone band detailing. There is seating to the front and side and a vehicular access which is located off the side street to the east which is used to service the building and could be used to park a couple of cars.

The front of the site is bounded by a brick wall with a palisade fence on top, to the side is a brick wall boundary and the rear yard is enclosed by a palisade fence and gates to the access.

The application seeks a single storey extension which would be located on the north (rear elevation) of the building and would be approx 1m from the rear boundary with the houses on Elton Fold Chase. On the western side of the extension would be a ramp to provide access to the new extension. The extension would be rectangular in form and be 4.41m in depth and 14.2m wide. The majority of the build would have a flat roof with a small part of the western side formed with a pitched roof.

A line of trees would be planted behind the extension along the northern boundary.

The proposed extension would provide additional social facilities for the club.

Relevant Planning History

02763/E - Extension to rear of club to form a games room - Enquiry completed 26/10/2022

66291 - Erection of 3 No. bay practice nets and security fence - Approve with Conditions 11/02/2021

15/0387 - Creation of beer garden/children's play area - 18/09/2015

Publicity

Letters sent on 25/5/23 to 21 adjacent properties.

One representation received with the following issues -

- My rear garden directly looks to the club (until I erected artificial hedging to offer privacy from people looking into my living room
- I have reviewed the plans with my comments below and would expect these to be adhered to if planning was approved
- Entertainment licence reviewed (re noise and music) the Working man club is now within a resident area and should be no bands or high levels of music coming from there after 11.00 pm
- The height of the new extension to be as drawing and lower in height(lean to) and

- have no windows facing our properties
- Lighting - with the ramp, you will want to install lighting to allow safe access. This is again is a privacy thing but also a security matter - making my property vulnerable.
- What's the plans for the beer garden - will this remain or be removed ?
- Please review the above. A nice compensation for the properties with the club located in the view of 8 properties gardens would be to continue decorative (vines and hedging) around the perimeter to allow more privacy and prevent food / beer bottles and rubbish being thrown into gardens.
- If all the above was addressed and adhered to I wouldn't have any issue with this planning proposal.
- When they created the beer garden bats were roosting within the trees they cut down. Bats still return now (must be a nature thing) without any care or consideration to any of the residents.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition.

Environmental Health - Contaminated Land - No objections

Environmental Health - Pollution Control - No comments to make

Borough Engineer - Drainage Section - No response received

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
CF1	Proposals for New and Improved Community Facilities
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN7/2	Noise Pollution

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.

Layout and siting - The proposed extension would be positioned at the rear of the building and would be set approx 1m off the boundary to the dwellings behind. These properties are set at a slightly lower level and the rear gardens directly abut the site boundary. The dwellings themselves would be approx 12.5m from the extension. There would be no windows in the rear elevation of the extension and the proposed plans indicate there would be landscaping between the proposed extension and the boundary to the neighbours and this would help screen the proposed development and soften this area of the site from view of the occupiers of the dwellings.

Located at the rear of the site and set back from the side access road the extension would not be highly visible to the streetscene.

The siting of the extension would not obstruct the access used to service the site or affect the small parking area.

It is therefore considered the proposed layout and siting and relationship to the streetscene and adjacent dwellings would be acceptable and comply with EN1/2 and CF1/1.

Design and appearance - The extension would be brick built to match the existing building. Apart from the western side of the extension, the majority of the roof would be flat which would be an acceptable solution given the location of the extension at the rear and would also aide in reducing visible impacts to the neighbours at the rear.

As such it is considered the proposed extension would be an appropriate addition to the building and comply with EN1/2.

Response to representation

- landscaping has been included along the northern boundary to adjacent neighbours
- there would be no change to the remaining external areas which could be used for outdoor seating
- entertainment/music licenses are dealt with under licensing legislation
- lighting - no proposals for lighting shown and would not require planning permission for low level lighting
- protection of protected species is covered under separate environmental issues.

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 ZT23-196-00; Existing site plan ZT23-196-01; Existing plans ZT23-196-02; Proposed site plan ZT23-196-03; Existing front and side extension ZT23-196-04; Existing rear and side elevation ZT23-196- 05; Revised Proposed plans ZT23-196-06 received 5/7/23; Revised Proposed front and side elevation ZT23-196-07 received 5/7/23; Revised Proposed rear and side elevation ZT23-196-08 received 5/7/23 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 A comprehensive construction design shall be incorporated into the proposed building to prevent the ingress of landfill gas or ground gas, to be agreed in writing with the Local Planning Authority before work commences, and;
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 4 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Bury Unitary

Development Plan Policy EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 6 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.
- 7 The landscaping shown on approved revised plans ZT-23-196-06 (revised 5/7/23) and ZT-23-196-23-08 (revised 5/7/23) shall be implemented prior to the first use/occupation of the development hereby approved or within the first available tree planting season. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	5/7/23		