

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/01/2023	Ref: 69034/FUL
Registration: 10/11/2022	LDfC: 19/12/2022	Expiry Date: 05/01/2023
Site Visit: 08/12/2022	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: MIOT

Proposal: Single storey rear extension with part glazed retractable roof

Location: 277 Bury New Road, Whitefield, Manchester, M45 8QP

Description

The application relates to a restaurant unit located on Bury New Road. A flat is located to the first floor. The property is detached, with terraced properties either side. The site is located within Policy Areas S1/2 - Shopping in District Centres and S2/3 - Secondary Shopping Areas and Frontages as identified within the UDP. The property is bounded by commercial properties at ground floor, and to the rear. Some residential flats are located at first floor above the neighbouring properties, and a block of flats located to the south west of the site.

Planning permission is sought to extend the rear of the restaurant by approximately 6941mm metres. The roof of this element of the extension would be a sliding roof. A new flat roof infill rear extension is also proposed to the side of the existing kitchen area located to the rear of the property that projects approximately 2452mm to the side of the existing kitchen and would include the provision of a new flat roof above the existing kitchen area.

Relevant Planning History

48174 - Single storey lounge and kitchen extension at the rear - Approve with Conditions 25/07/2007

61476 - External staircase and gate to side elevation to form new entrance/access to existing first floor flat - Approve with Conditions 27/06/2017

62915 - Creation of additional first floor flat with new access, external staircase and 2.1m high metal fencing/gate to side - Approve with Conditions 06/08/2018

Publicity

Neighbour letters sent 14/11/2022 and 28/11/2022. No representations received.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - no comments to make

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
S1/3	Shopping in District Centres
S2/3	Secondary Shopping Areas and Frontages
S2/6	Food and Drink
EC4/1	Small Businesses

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.

Policy

S1/3 - Shopping in District Centres - The Council will support proposed for new shopping development provided that it is of a size, scale, function and character appropriate to serve the needs of the local area.

S2/6 - Food and Drink. The Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within Class A3, will have regard to the following factors:

a) the amenity of nearby residents by reason of noise, smell, litter and opening hours;

- b) whether or not the proposal would result in an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- c) parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d) provision for the storage and disposal of refuse and customer litter;
- e) the environmental impact of any ventilation flues and/or ducting.

EC4/1- Small Businesses. Proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

EN7/2 - Noise Pollution does not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

Layout and Design

The proposed extension would be located entirely to the rear of the property and would be largely screened from Bank Street by the existing boundary wall. The projecting extension would have a pitched, gable roof replicating the shape and style of the original property. This roof would be a retracting roof, of a single pitch that stacks the glass panels. The infill/flat roof element of the extension would consolidate a number of extensions and roof slopes to the rear of the property.

The proposed extension is considered to be of a suitable scale and massing and would not overwhelm the property, or result in overdevelopment of the associated rear yard space. The extension is of a simple and unobtrusive design and would not detract from the character of the host property. The use of matching materials is considered to be acceptable.

It is considered in this instance that the proposal complies with UDP EN1/2.

Residential Amenity

There are no adopted aspect standards between commercial properties, and residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and householder development and as such, would be a reasonable guide in this case.

Due to the use of the site, and the proximity of residential properties Environmental Health have been consulted as part of the application process and have stated that they have no comments to make. Whilst the roof of the extension can be opened in the warmer months, this area is currently used as a beer garden. The restaurant is already in operation at the site and as such, as the area of the proposed extension can already be used in the warmer months for customers it is considered that the proposal would not lead to undue disturbance.

No. 1 to the north of the site is a barbers, and the proposed extension is sited approximately 3.3 metres off the shared boundary with this site. Given the use of the ground floor of this property it is considered that the extension would not be unduly overbearing. No. 275 to the south of the site would be screened from the proposed extension by existing built form.

The proposed rear windows would be screened by the existing rear boundary wall. The proposed side window and door would face towards the side boundary with No. 275 but would be screened by existing built form.

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As such, it is considered that the proposal complies with UDP Policies S2/6, EC4/1 and EN7/2.

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 22-052-001, 22-052-300, 22-052-310, 22-052-010 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>
Helen Pressley	09/01/2023		