

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 19/08/2022	Ref: 68480/FUL
Registration: 18/05/2022	LDfC: 06/07/2022	Expiry Date: 13/07/2022
Site Visit: 11/07/2022	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: Extension of existing shop into existing flat at ground floor and alterations to principal elevation, including new shopfront

Location: 100 Rochdale Road, Bury, BL9 7AY

Description

The proposal relates to an existing ground floor shop with associated flat at the rear of the ground floor and at first floor. The shopfront has a roller shutter and the flat is accessed via the shop.

The proposal is to extend the ground floor shop by extending it into the rear room at ground floor (which presently serves as a habitable room to the flat), resulting in the flat being located at first floor only. Alterations are proposed to the principal elevation, including installation of a new shopfront and new door to provide dedicated access to the first floor flat (following internal extension of the shop). The framework/door would be in anthracite grey uPVC. The existing roller shutter would be shortened to reflect the more limited shopfront and the new infill wall would be finished in matching render.

Relevant Planning History

None relevant.

Publicity

Advertised by direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

None necessary

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

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 shop extension

The internal alterations relate to rebalancing the floor areas between the two existing uses in order to increase the floor area of the Class E use. This would not have any unacceptable impacts.

Design, Layout and Appearance

Policy 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. EN1/8 - Shop Fronts further seeks to ensure that proposals for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene.

The proposed alterations to the existing shop front would have a negligible impact, maintaining the overall character of the principal elevation of the building.

The proposal would not therefore have any unacceptable visual impacts on host building or street scene.

Highway safety

The proposed new doors into the shop and flat would open inwards and not out over the footway.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. The proposal would not have any unacceptable impacts on the character and appearance of the area or on highway safety. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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 Location Plan (Dwg no. LP01), Existing/Proposed Block Plan (Dwg no. BP01), Proposed Floor Plans (Dwg no. L02), Proposed Elevations (Dwg no. E02) 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 be as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to policies EN1/2 and EN1/7 of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	19/08/2022		