

DELEGATED REPORT

Report by Helen Pressley	Date of report: 12/02/2024	Ref: 70417/FUL
Registration: 15/01/2024	LDfC: 09/02/2024	Expiry Date: 11/03/2024
Site Visit: 19/01/2024	Site Notice: 19/01/2024	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: New shop front and alterations; Siting of 3 no. air condenser units to rear

Location: 3-5 Princess Parade, Bury, BL9 0QL

Description

Vacant retail unit within row of commercial units on Princess Parade. The main entrance is from Princess Parade, which is a pedestrianised street. There is a large shop front with a recessed entrance and the building is constructed from brown brick with a flat roof.

The existing adult gaming centre is located on 47 Market Street, which would be demolished as part of the Levelling Up fund development to create a flexi hall.

There are other commercial and retail units to the south, east and west of the site. The land to the north is a servicing area for the retail units. There are residential apartments at first floor level within the building.

The proposed development involves the installation of a new shop front and the siting of 3 air condenser units at the rear.

Application 70416 and 70418 deal with the change of use, and advert consent for this unit.

Relevant Planning History

70416 - Change of use from shop (Class E) to adult gaming centre (Sui Generis) at 3 - 5 Princess Parade, Bury. Received - 15 January 2024.

70418 - 2 No.internally illuminated fascia signs (letters only) and 2 no.internally illuminated projecting suspended signs internally (letters only) at 3 - 5 Princess Parade, Bury. Received - 15 January 2024.

Adjacent site

62097 - Change of use from retail shop (Class A1) to drinking establishment (Class A4) at 1A Princess Parade, Bury. Approved with conditions - 7 December 2017.

Publicity

The neighbouring properties were notified by means of a letter on 18 January 2024 and site notices were posted on 19 January 2024.

No representations received.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EN7/2	Noise Pollution
NPPF	National Planning Policy Framework
S2/2	Prime Shopping Areas and Frontages

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Design and layout

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

The scale of the existing shop front will be retained, with a glazed frontage, an area above the glazing for signage and entrance door retained. Toughened laminated glass would be installed in powder coated grey aluminium frames. The stallriser would be reduced in height from the existing however this would be in keeping with the neighbouring shop front and as such is considered to be acceptable. The new aluminium door surround would replicate the door surround on the existing gaming centre that faces the site

The proposed air condenser units would be located to the rear of the site backing onto the associated service yard. There are a number of similar style units located within this yard and as such the addition of the units, on a rear elevation, considered to be acceptable.

In this instance therefore the application is considered to comply with Policies EN1/2 and EN1/8.

Impact upon residential amenity

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that proposals do not have an adverse impact on the particular character and townscape by assessing the relationship of the proposal to the surrounding area. Policy S2/2 - Prime Shopping Areas, states that the Council will consider noise and disturbance when assessing changes of use. EN7/2 - Noise Pollution does not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

There are first floor flats sited above the site. The proposed air condenser units would be located at ground floor, within the existing service yard. No objections have been raised by environmental health in relation to the siting of these units. Given that this area is a service yard that is likely to generate noise and movement at various times of the day and night, the existence of other condenser units and flues, and the location of the units at ground floor it is considered that the proposed units would not have a detrimental impact on the residential amenity of the neighbouring occupiers.

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 353 (B)01. 3543 (C) 01, 3543 (B) 02,

3543 (B) 04 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>
HP	12/02/2024		