

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 15/09/2022	Ref: 68604/FUL
Registration: 27/06/2022	LDFC: 17/08/2022	Expiry Date: 22/08/2022
Site Visit: 03/08/2022	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: Installation of glazed retractable awning to front elevation

Location: 188 Bury New Road, Whitefield, Manchester, M45 6QF

Description

The application relates to a contemporary two storey commercial property within Whitefield District Centre, on the east side of Bury New Road, opposite Slattery's cake shop. The site opposes the southern section of All Saints Conservation Area.

The proposal is for the installation of glazed retractable awning the full width of the front elevation. It would overlap the side elevation by 900mm, project forward 2.75m with a maximum height of 3m. It would have an arched roof with retractable canvas over glazed and retractable front glazing panels all set within a black metal framework. It would replace existing canvas canopies that extend out over the outdoor covers behind the railings.

Relevant Planning History

56528 - Demolition of existing two storey building - 188 Bury New Road (D2) & erection of new two storey side extension to cafe bar 184 - 186 Bury New Road (A3/A4). - Approve with Conditions 06/11/2013

57586 - Two storey extension at side; Widening of access road at side and change of use of waste land at rear to form car park - Approve with Conditions 30/07/2014

58913 - Variation of condition no. 2 (approved plans of planning permission 57586) to add a single storey extension at rear and brickwork to front. Discharge of conditions 1 (start date), 3 (materials), 4 (access improvements), 5 (pedestrian visibility splay), 6 (car park) and 7 (access improvements). Approved 01/10/2015

60607 - Halo illuminated lettering to front of building; 1 No. internally illuminated projecting sign; 1 No. projecting bull nose canopy; 2 No. retractable canopies - Approve with Conditions 09/11/2016

60889 - Variation of condition 2 (approved plans) of planning permission 58913 relating to extensions and alterations to 184-188 Bury New Road. Alteration involves changing side window to new entrance door - Approve with Conditions 20/01/2017

Publicity

Advertised by direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

None required.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN7	Pollution Control
EC4/1	Small Businesses
S2/6	Food and Drink
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control

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

Design and visual amenity

The host property forms a part of a short row of contemporary commercial buildings. The adjoining restaurant has similar retractable awnings to those proposed, which would form a minor extension that due to the significant elements of glazing would appear light and insubstantial against the backdrop of the two storey contemporary building. The proposed extension would not therefore have any unacceptable impacts on the appearance of the host building or visual amenity.

The site opposes a NDHA that falls within the All-Saints Conservation Area. However, given the site characteristics and immediate context the proposal would not have any unacceptable impacts on heritage assets or interests.

Other matters

The proposal would not result in an increase in the maximum number of covers as the site relates to an existing outside seating area.

CONCLUSION

The proposed development would not have any unacceptable impacts upon visual amenity or on the setting of the adjacent conservation area or NDHA.

Given the above, the proposal would be compliant with the above stated UDP policies and the NPPF. Therefore, in accordance with the 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 dated 29/06/2022
 Proposed Site Plan (Dwg no. 30903)
 Proposed Elevations (Dwg no. 30902)
 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

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detailed within the approved application particulars.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 and OL5/2 of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	15/09/2022		