

Application Number 21/00170/FUL

Proposal	Creation of first floor roof terrace to rear in connection with existing bar/restaurant.
Site	118 – 120 Market Street, Droylsden, M43 7AA
Applicant	Mr Darren MacKinnon
Recommendation	Approve subject to conditions.
Reason for Report	At the request of Councillor Quinn. The Head teacher of St Marys CE Primary School, Ms Hampson, has also requested to speak.

1.0 APPLICATION DESCRIPTION

- 1.1 Planning permission is sought for the creation of a first floor roof terrace to the rear of the building in connection with the existing bar/restaurant.
- 1.2 The outdoor terrace would be situated above the existing single storey outrigger to the rear of No 118 – 120 Market Street. To extend the floor area of the terrace it is also proposed to construct a steel framed balcony structure to the rear of the outrigger above the existing passageway (total area around 38m²). The outdoor terrace would be bounded by a 2m high brick wall with blue engineering brick detailing with stone copings to the top of the wall.
- 1.3 Previously it was proposed to erect a clear glazed balustrade to the rear (east facing) elevation, however during the course of the application the design was amended and revised plans were received on 28 April 2021. The application is assessed on the basis of the revised plans which includes a 2m high brick wall to the perimeter of the raised terrace.

2.0 SITE & SURROUNDINGS

- 1.1 The application relates to the former Royal Bank of Scotland building which is located central to Droylsden town centre which is now occupied by 'The Jam Works' (a bar/restaurant). The property fronts Market Street and is located north of the junction with Ashton Road. The property is two storeys in height and has dormer windows within the roof space.
- 1.2 The property is located within an established retail parade which overlooks the Droylsden retail centre. Bus and tram services are located immediately on hand along with public car parks. The highway outside the premises has double yellow lines and there are also loading restrictions in place. To the rear (east) of the site is St Mary's CE Primary School located on Church Street.

3.0 PLANNING HISTORY

- 3.1 99/20514/FUL - Demolition of existing building and erection of 3 storey bank – Application approved.
- 3.2 00/01056/FUL - Demolition of existing building and erection of 3 storey bank – Application approved.
- 3.3 12/00284/ADV - Replacement signage scheme - Application approved.
- 3.4 16/00188/ADV - Replacement scheme of advertisement signs - Application approved.

- 3.5 19/00364/FUL - Change of use from A2 to A4 for the new use of a bar and restaurant. .Some internal alterations. .New shop front and sign – Application approved.
- 3.6 19/00365/ADV - Installation of signage to front of building – Application approved.
- 3.7 19/00119/PLCOND - We are looking to discharge conditions 4 (kitchen extraction) and 6 (roller shutter details) of approved application 19/00364/FUL – Application approved.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) (2004)

4.2 UDP Allocation: Droylsden Town Centre Boundary

4.3 Part 1 Policies:

- 1.3 Creating a Cleaner and Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.7 Supporting the Role of Town Centres
- 1.12 Ensuring an Accessible, Safe and Healthy Environment

4.4 Part 2 Policies:

- S1 Town Centre Improvement
- S4 Retail Dominance and Shopping Frontages
- S7 Food and Drink Establishments and Amusement Centres
- S9 Detailed Design of Retail and Leisure Developments
- C1 Townscape and Urban Form
- T1 High Improvement and Traffic Management
- T10 Parking

4.5 Other Policies

Ministry of Housing, Communities and Local Government: National Design Guide

4.6 It is not considered there are any local finance considerations that are material to the application.

4.7 National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

- Section 2 Achieving sustainable development
- Section 6 Building a strong, competitive economy
- Section 7 Ensuring the vitality of town centres
- Section 8 Promoting healthy and safe communities
- Section 9 Promoting sustainable transport
- Section 12 Achieving well-designed places

4.8 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

6.0 RESPONSES FROM CONSULTEES

- 6.1 Local Highway Authority: No objection to the proposal.
- 6.2 Environmental Health: No objection subject to conditions restricting hours of construction and hours relating to the use of the roof terrace. Also no objection subject to their being no use of music on the roof terrace.
- 6.3 Network Rail: No comments.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Sixteen letters of objection have been received in relation to the proposal in addition to objections from Councillor Laura Boyle, Councillor David Mills and Councillor Susan Quinn.
- 7.2 The comments received have been summarised in brief below:
- Overlook the local school's playground area;
 - Safeguarding issues;
 - Issues of inappropriate behaviour and anti-social behaviour to be heard by children due to proximity;
 - Concerns as to operational hours (conflict with school hours);
 - There should be no use of any such area during the working day including any hours of opening for the adjacent after school club;
 - If music is played it would disrupt the learning of children (noise);
 - Potential for rubbish to be thrown into the playground area;
 - Potential for glass balustrade to shatter and cascade glass on the ground below;
 - Concerns for maintenance issues of wall behind the pillars in the passageway;
 - Ability/opportunity to take photographs from an elevated position;
 - Request for application to be refused;
 - Contravenes Section (d) of S9 in Tameside's UDP

8.0 ANALYSIS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:
- Approving development proposals that accord with the development plan without delay; and,
 - Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.
- 8.4 In accordance with the revised NPPF and the Tameside UDP, the main issues raised by the application relate to the following:
- Principle of the development;
 - Impact of the development on the character and appearance of the surrounding area;
 - Impact on amenity; and,
 - Impact on highway safety.

The above matters, and other considerations, are considered in more detail below.

9.0 PRINCIPLE OF DEVELOPMENT

- 9.1 The site is situated within the Droylsden town centre boundary. The proposal is associated with the established bar and restaurant use of the premises. It is noted that the hospitality industry has a major role in supporting the local economy. The proposals would complement the existing use and add to the overall vibrancy and vitality of the town centre. Subject to other considerations the proposals are compatible with the land use allocation.

10.0 CHARACTER OF THE SURROUNDING AREA

- 10.1 Part 1 Policy 1.3 of the UDP describes that to enhance the appearance of the borough for the benefit of existing residents and to help attract new investment, all developments must achieve high quality design which is sensitive to the character of the local area, particularly in the relationship between buildings, between buildings and adjoining spaces, and in associated landscaping.
- 10.2 Policy C1 states that in considering proposals for built development, the Council will expect the distinct settlement patterns, open space features, topography, townscape and landscape character of specific areas of the borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development. This is consistent with requirements of Policy S7 and Policy S9 insofar as the impact on the character of the area.
- 10.3 The upper floor level of the application property where the terrace would be accommodated is not particularly prominent and views are limited from public vistas from Henry Street and Ashton Road. The rear elevation as currently viewed is somewhat utilitarian in appearance owing to the flat roof and presence of plant equipment and security features.

- 10.4 The proposed roof terrace would be bounded by a 2m high red brick wall which would incorporate two courses of blue engineering brick running through its centre. The top of the wall would be finished with stone copings. In consideration of the fact that the predominant material used in the construction of buildings in the surrounding area is that of red brick, the local planning authority are satisfied that the development, which is of a minor nature, would integrate sympathetically with its surroundings. The enclosure would read as a neutral extension to the existing ground floor extension. The courses of blue engineering brick would add visual interest and help to break up the appearance of the elevations. Having regard to the scale and merits of design, there are no objections and the proposal is considered compliant with Policies 1.3, S1, S7 and S9 and C1 of the UDP in respect of building design, materials and overall influence on local amenity.

11.0 AMENITY

- 11.1 As part of its underlying drive to promote sustainable development, paragraph 127(f) of the revised NPPF states that a high standard of amenity should always be sought for all existing and future occupants of land and buildings. As above, Policy C1 of the UDP states that the relationship between buildings and their setting should be given particular attention in the design of any proposal for development and policies S7 and S9 allude to the need to not unduly impact upon residential or other sensitive uses.
- 11.2 The site is located within Droylsden town centre; it is characterised by the mixture of commercial uses that defines the local environment. Many of the premises are mixed use in character supporting residential uses at first floor or above. This combination of commercial, residential, civic and community uses adds to the overall vibrancy and vitality of the centre.
- 11.3 In terms of consideration to amenity insofar as potential noise and disturbance matters are concerned, consultation with Environmental Services has been supportive of the proposals. This is subject to a condition ensuring that no public address system or broadcasting equipment is installed on the terrace. The ambient noise levels would be that of users of the terrace and this would be heard against a background of transport activity. It is not considered that this would be unduly harmful on the amenity and environmental quality of the locality.
- 11.4 It is acknowledged by the local planning authority that a number of objections have been received in relation to the impact of the development on the adjacent St Mary's CE Primary School building, with particular concerns relating to safeguarding issues and anti-social behaviour.
- 11.5 The school building is located within a predominantly commercial district centre which borders a variety of buildings with different uses. Existing boundary treatment around the playground nearest to the application site comprises a mix of tall brick walls (south) and open railings (north).
- 11.6 To address the issues raised, the local planning authority have worked with the agent by amending the design of the boundary treatment to the raised terrace area. The previously proposed glass balustrade to the rear elevation has been replaced with a 2m opaque brick wall. This material will ensure the terrace is sufficiently enclosed and officers are satisfied that this reasonably addresses any perceived safeguarding issues as users of the terrace would have no views of the school.
- 11.7 In the view of the local planning authority, having regard to Policies 1.3, C1, S7 and S9 of the UDP, the raised boundary treatment provides better security leaving no opportunity for overlooking of the school grounds and is consistent with/comparable to existing boundary treatments around the school playground.

- 11.8 It cannot be assumed that the roof terrace, which is of a small scale, would provide the opportunity for unacceptable anti-social behaviour - particularly where it forms part of an enclosed and managed area of a working bar/restaurant which would be monitored by staff and security cameras. In any case, the brick wall would screen the users of the terrace from view, particularly from the playground area below and the height of the wall being sufficient to contain the associated levels of activity. In addition to this, legislation under the licensing arrangements which is separate to the planning process ensures safeguards are applied so that the premises are managed appropriately.
- 11.9 In consideration of the planning merits, the revised boundary treatment is deemed to be sufficient and is an appropriate mitigation factor to overcome the highlighted concerns and subject to conditions is considered acceptable in relation to policies 1.3, C1 and S9 of the UDP.

12.0 HIGHWAY SAFETY

- 12.1 The scheme proposed does not affect any highway issues other than an increase in the proposed floor area of the business. The Local Highway Authority (LHA) are satisfied that the lack of parking is mitigated by the business being located in a highly sustainable area with excellent transport links nearby. In the view of the LHA, the development does not have an unacceptable impact on highway safety, or consider that the residual cumulative impacts on the road network would be severe. Officers have no reason to disagree and as such the development is considered to be acceptable in relation to highway safety and compliant with the NPPF, in particular paragraph 109.

13.0 OTHER CONSIDERATIONS

- 13.1 In light of the Covid-19 pandemic, the government and local planning authorities are mindful of the impacts of Covid-19 and social distancing requirements necessary to support businesses, as outlined within the Planning Update Newsletter dated July 2020 and subsequent Government announcements following the re-opening of outdoor business on 12 April 2021.
- 13.2 The proposal provides flexibility to the use of the bar and restaurant by allowing outdoor seating - enabling the business to maximise their capacity and prosper whilst adhering to social distancing guidelines. The current government guidelines that allow flexibility is a material consideration and allows businesses in the hospitality sector to bounce back from a uniquely challenging year.

14.0 CONCLUSION

- 14.1 The proposed development is considered to be complimentary to the function of the town centre in that it will drive footfall and complement the overall vibrancy and vitality of the centre. It would provide flexibility to the existing use and allow valuable outdoor restaurant seating in a safe environment without being of detriment to the amenity of adjoining landowners.
- 14.2 The proposals comply with the aforementioned policies of the development plan and would not have a material impact upon the highway network. The proposals are considered to adhere to the NPPF's principles of sustainable development.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be constructed in accordance with the materials detailed and shown on the approved drawings received 28 April 2021.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies C1 and H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the submitted site location plan and the following plans received 28 April 2021:

- Drawing number 061-004 rev A (Proposed Roof Terrace Layout);
- Drawing number 061-006 rev A (Proposed South Elevation);
- Drawing number 061-008 rev A (Proposed North Elevations); and,
- Drawing number 061-010 rev A (Proposed East Elevation).

Reason: For the avoidance of doubt and to ensure compliance with policies C1 and H10 of the Tameside UDP.

4. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

5. The first floor roof terrace hereby permitted shall be closed to customers between the hours of 00:30 to 09:00 hours Monday to Sunday.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

6. No public address system / television set / amplified music and / or musical instrument shall be relayed to or played on the first floor roof terrace hereby permitted.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses. In accordance with UDP policy 1.12.