

DELEGATED REPORT

Report by Helen Leach	Date of report: 01/11/2022	Ref: 68698/FUL
Registration: 08/09/2022	LDfC: 07/10/2022	Expiry Date: 03/11/2022
Site Visit: 21/09/2022	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: Remove brickwork covering the portal frame on the east and west elevations; Over cladding on all elevations where required; Replace existing single width roller doors with double width roller doors; Remove canopy on the south elevation and install 5 No. additional roller doors

Location: Nightfreight, Roach Bank Road, Bury, BL9 8RQ

Description

The application site relates to a industrial building, which is in use for logistics, which is located centrally in the site off Roach Bank Road. The building is constructed from brick with a metal cladding roof. There are offices at the southern end and an open canopy at the northern end. There are several roller shutter doors on the east and west elevations. There is a large hardstanding surrounding the building.

There are industrial buildings to the east, west and south of the site and there is a large wooded area to the north.

The proposed development involves the removal of the brickwork on the east and west elevations and its replacement with cladding. The existing single roller shutter doors on the east and west would be replaced with double roller shutter doors. The canopy on the northern elevation would be removed and 5 double roller shutter doors would be installed.

Relevant Planning History

58243 - Single storey rear extension at VCG Connect Ltd, Studios 2 & 3, Roach Bank Road, Pilsworth. Approved with conditions - 26 January 2015

68705 - Extend the existing car park for 35 no. new car park spaces into the south of the site with new 1.2m retaining wall at Nightfreight, Roach Bank Road, Bury. Received - 31 August 2022.

Publicity

The neighbouring properties were notified by means of a letter on 14 September 2022. There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development

NPPF National Planning Policy Framework

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.

Design and layout - The proposed development would involve the removal of the brickwork to the west and east elevations and its replacement with cladding. Cladding is a material that is prevalent on industrial buildings, including those in the immediate vicinity. As such, the proposed cladding would not be a prominent feature and would match the surrounding buildings.

The proposed development would create 12 and 13 roller shutter doors instead of the 25 and 26 that are present currently. The proposed development would have a minimal impact

upon the design and character of the building and would be considered acceptable. The proposed removal of the canopy and the provision of 5 roller shutter doors would not change the character of the building.

Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2 and EC3/1 of the Bury Unitary Development Plan.

Highways issues - The proposed development would not intensify the use of the building and would not change the access arrangements in any way. As such, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and EC3/1 of the Bury Unitary Development Plan.

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 TQRQM22234111114550, BUR001, BUR003, BUR004, BUR005 - Existing site block plan, BUR005 - Proposed site block plan, BUR005 - Existing elevations, BUR005 - Existing & proposed floor plans, BUR005 - Proposed elevations, BUR005 - Existing lower and upper office plans, BUR005 - Proposed lower office plan, BUR005 - Proposed upper level office 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 goosewing grey (RAL 080 7005) and Basalt (RAL 7012).
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 01/11/2022			