

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/09/2022	Ref: 68605/FUL
Registration: 27/06/2022	LDfC: 17/08/2022	Expiry Date: 22/08/2022
Site Visit: 14/08/2022	Site Notice: 14/08/2022	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Siting of two storey Portakabin modular building for office use during refurbishment works for a temporary period of 3 years.

Location: Edinburgh House, Castle Brook Business Park, Hollins Brook Way, Bury, BL9 8RR

Description

The site relates to a commercial business located in Pilsworth Industrial estate and in association with the company JD Sports which occupies a large site within the industrial estate and comprises offices and car parks. The main buildings within the JD campus are Balmoral and Windsor House which front Pilsworth Road, with Edinburgh House and Warwick House set to the south of Pilsworth Road and accessed via an internal road, Hollins Brook Way.

The surrounding area is characterised by similar industrial and commercial buildings.

The application seeks the siting of a two storey modular building which would be used as temporary office accommodation whilst refurbishment works to one of the office buildings, Edinburgh House, is carried out.

The modular building would be located behind Balmoral House on part of the existing car park which would displace 34 standard parking bays.

The build would comprise a footprint of approx 12.2m x 32.8m and be 7.1m high. Internally, two floors would provide open plan office space with toilet and kitchen facilities. The building have a typical prefabricated appearance with symmetrically placed windows.

The office would accommodate circa 100 staff.

The applicant states that the building has already been installed and was in situ 16/7/22.

The applicant has applied for a 3 year temporary permission. The 3 years is foreseen to cover the duration of these works before the building can be removed from site, and the car park reinstated.

Relevant Planning History

02227/E - Change of use to offices, staff training accommodation, including mock shop; staff gym, multi-storey car park and surface level car park, re-cladding existing external with upgraded materials and external works to facilitate the proposed use - Enquiry completed 18/02/2019

02716/E - Construction of buildings, a multi-purpose all-weather sports pitch, fitness trail, car parking and highway works to create a new business hub and childcare facilities at JD Campus - Enquiry completed 05/07/2022

54670 - Replacement boundary fence (Pilsworth Road/ Hollins Brook Way) - Approve with Conditions 02/02/2012

59659 - Formation of car park and erection of gated access onto Aviation Road for egress only (retrospective) - Withdrawn by Applicant 15/03/2016

60525 - Retention of existing car park and re-location of car park gate onto Aviation Road for egress only; alterations and improvements to the junction of Aviation Road and Pilsworth Road, including repositioning of existing gate on Aviation Road to improve pedestrian access (north side) and provision of a horse stile (south side) and associated signage.

- Approve with Conditions 21/02/2018

63159 - Variation of condition 1 following grant of planning permission 60525 to allow an additional 6 months for commencement of the junction improvement works - Approve with Conditions 04/10/2018

63998 - Variation of condition 1 following grant of planning permission 63159 to allow an additional 6 months for commencement of the junction improvement works - Approve with Conditions 23/05/2019

64607 - Prior notification for proposed demolition of single storey steel framed workshop/works depot and single storey garage - Prior Approval Required and Granted 24/10/2019

68530 - Hybrid application - Full application: Zone 1 development of Commercial building No1 (Creche, Use Class E), car parking and internal site roads, a new site access junction to Pilsworth Road, highway improvements to Hollins Brook Way and Pilsworth Road, and continued use of an existing car park exit to Aviation Road.

Outline application: Zone 2 development of Commercial building No.2 (Hub building, Use Class E) car parking and internal site roads and a multi-purpose all-weather sports pitch (Including reserved matters of means of access, layout and scale included for determination). -

20/0101 - Breach of conditions of demolition determination application 64607 - 08/06/2020

Publicity

Site notice posted 14/8/22

No responses received

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - The temporary buildings do not appear to create any issues for the PROW network. However, note the loss of 34 lost parking spaces

Traffic Section - No objection

United utilities - No objection. Recommends consideration of a drainage plan in accordance with the drainage hierarchy in the NPPF and NPPG.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC2/1	Employment Generating Areas
EC1/1	Land for Business (B1) (B2) (B8)
MW1/1	Areas of Search
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
EN5/1	New Development and Flood Risk

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.

Siting and layout - The temporary building would be site on part of the car park which serves the whole of the JD Campus. It would be located behind an existing office building and would serve as temporary offices for whilst an office block, Edinburgh House undergoes refurbishment. The build would be temporary, contained within the JD site and not impact on the operations or access for the wider area or adjacent commercial and industrial development.

It would be located approx 150m from Pilsworth Road and therefore not visible to the main streetscene. It would be seen from the PRoW which run to the north and south but views would be of a temporary nature and as such considered acceptable.

The proposed development would therefore comply with Policy EN1/2.

Design and appearance - The proposed modular building would be 2 storey in height with a footprint of approx 12.2m x 32.8m and 7.1m high. Elevations would incorporate the business logo with symmetrically placed windows. The build would be typical of the type of

temporary office accommodation found in business commercial areas.

It is therefore considered the proposed development would be acceptable and comply with policy EN1/2.

Highway issues - The building would be sited on part of the car park which serves the JD campus and would displace 34 parking spaces. The applicant states that there is sufficient parking available to fulfill the parking needs on site.

In addition, there is a cleared site within the JD campus which could accommodate additional parking should this be required.

The siting of the build would not affect the PRow.

The Highway Section have raised no objection to the proposed development and the development considered to comply with policy EN1/2 and HT2/4.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Permission is hereby granted for a limited period only, namely for a period expiring 3 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition for parking.
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.
- 2 This decision relates to drawings Proposed layout - elevations and floor plan - Modular building HD/12660/01 rev A; Proposed block plan TM42006165; Proposed elevations with vinyl finish received 27/6/22 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 development hereby approved shall be carried out in accordance with the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. The drainage scheme shall be implemented prior to first occupation and thereafter maintained.
Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 -

DELEGATED REPORT

Meeting the challenge of climate change, flooding and coastal change of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	20/9/22		