

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 28/10/2022	Ref: 68618/FUL
Registration: 04/08/2022	LDfC: 02/09/2022	Expiry Date: 29/09/2022
Site Visit: 12/08/2022	Site Notice: 12/08/2022	Press Date: 11/08/2022
Objections: 2	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Siting of 2no. storage containers

Location: Unit 1-2 Halter Inn Works, 11 Redisher Croft, Ramsbottom, Bury, BL0 9SA

Description

The application site relates to an existing industrial building which is accessed off Bolton Road West via a single width unadopted lane which is a designated bridleway. The site is within the Holcombe Conservation Area.

The site itself is generally level and sits within a dip comparative to the surrounding topography, with the land rising to the north where there is a row of 4 large detached residential properties on Redisher Croft. To the south are Nos 7-9 'Holcombe Brook', to the east is a water course beyond which is the Hare and Hounds public house and to the west the land rises behind the site to a wooded area. There is a blanket TPO (No 65) surrounding the site.

The site is within Flood Zone 2.

The site accommodates a 2 storey industrial building with a single storey office attached to the side which forms an 'L' shaped building. There is a courtyard area to the south side of the building which is used for parking, access and servicing but is not formally laid out. A smaller yard area to the rear is used for bin storage and enclosed by a brick wall which forms the northern boundary of the site. Along this boundary but outside the site is a row of conifer trees which are planted in the verge between the pavement and the wall and which screen part of the site from the houses on Redisher Croft.

Planning permission was granted in 2019 for the siting of 2 temporary containers, one in the car park adjacent to the southern boundary and one located in the smaller yard to the north of the building.

The containers were 6m x 2.4m x 2.5m high and constructed of a green metal corrugated steel material, of a shipping container appearance. The containers were required to provide a temporary storage solution.

A temporary consent for 3 years was granted which expires 20/12/19.

Two complaints regarding obstructions of the access road by delivery drivers to the site and the reduced on site parking due to the siting of the containers have been received by the LPA in 2022 before the temporary consent expired.

This application seeks consent for an additional 3 year period for the retention of containers.

The applicant has submitted a supporting information for the retention of containers.

The applicant originally required the containers due to the displacement of storage in the existing industrial unit from additional machinery which has been installed to facilitate the

needs of the business and for a temporary period of 3 years only until an extension to the building (approved under planning permission 63892) had been implemented. This permission has now lapsed.

Rather than implement the application, the applicant has actively sought to relocate the business and an alternative premises at Chamberhall has been secured which is subject to a current planning application (ref 68699). Until such time the consent is granted and the development completed, the applicant will continue to require the containers to provide additional storage facilities for the existing site.

Relevant Planning History

54660 - Demolition of existing buildings and erection of 3 no. detached dwellings - Withdrawn by Applicant 24/01/2012
54661 - Demolition of existing buildings and erection of 4 no. semi-detached dwellings - Withdrawn by Applicant 24/01/2012
54975 - Proposed demolition of existing industrial buildings and erection of 3 no detached dwellings. - Approve with Conditions 03/07/2012
54976 - Conservation Area Consent for proposed demolition of existing industrial buildings and erection of 3 no detached dwellings. - Approve with Conditions 23/05/2012
63892 - Side extension with maximum height of 6.79m to existing workshops and laboratories - Approve with Conditions 11/06/2019
64777 - Siting of 2 no. storage containers - Approve with Conditions 20/12/2019
13/0401 - Change of use to residential - 01/09/2013
19/0179 - Siting of 2 no. shipping containers - 09/10/2019
22/0119 - Breach of conditions of planning approval 64777 -

Publicity

Letters sent on 4/8/22 to 11 adjacent properties.
Site notice posted 12/8/22.
Press advert 11/8/22.

Two objections received with the following comments -

- The 3 year limit temporary siting of these containers was approved previously, and has proved to be a great inconvenience to the residents of Redisher Croft. They have resulted in the Bridleway access being blocked, which prevents access for residents, and emergency services vehicles on a daily basis, due to the proposed additional parking spaces detailed, not being feasible, resulting in parking on the bridleway.
- Deliveries have no place to turnaround, making them park on the bridleway, blocking access, and then turnaround on the Private roadway of Redisher Croft, causing damage to the roadway, and twice to my property, and causing a safety risk to residents and children playing on Redisher Croft.
- Also, every morning, early, the loud noise of the containers being opened, result in unnecessary noise pollution directly opposite my front bedrooms. The location is situated in a conservation area, and the business has outgrown the location, and has had 3 yrs to sort other arrangements.
- An immediate review is necessary as the container causes an imminent risk to life and property. There is insufficient room for large lorries & the parking of the employees with the container in place. The road is constantly blocked. An ambulance/fire engine would be caused to wait.
- There is also a risk to children and walkers as the large vehicles have been seen to demolish a wooden post, imagine if this were a child/dog/person. The industrial company has outgrown the location. If they cannot function without the container then sadly in the needs of safety they must now move.
- We consider this an immediate risk and bury council must address this with some seriousness. The area is becoming unsafe because of large vehicles and the cars parked in safely. It takes some time to load and move these. Please deny permission

and have the unit moved.

Statutory/Non-Statutory Consultations

Traffic Section - No response subject to conditions

Conservation Officer - No response received.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC2/2	Employment Land and Premises
EC6/1	New Business, Industrial and Commercial
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN8/1	Tree Preservation Orders
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
OL5/2	Development in River Valleys
SPD11	Parking Standards in Bury

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.

Amenity issues

In terms of visual impact, the containers would be within the confines of the site and relatively well screened from views.

The container in the northern yard area is set at a lower level to the houses on Redisher Croft and hidden from views outside the site by the boundary wall and conifer trees.

The container located in the car park is adjacent to the blank gable wall of No 9 Holcombe Brook and there are no properties opposite whose outlook would be affected.

The access lane to the site is a public bridleway, but views of the containers would be brief.

From a noise perspective, the containers would be used for storage purposes only and there would be no associated noise nuisance with the use or siting of the containers.

Two objections to the application have been received. It is stated that the siting of the containers has restricted the turning facilities within the site causing the access lane to be blocked, whilst the displacement of cars from the car park by the location of the containers has resulted in obstructions from parking on the lane.

The applicant has responded to the objections raised to provide an understanding of the for the necessity to retain the containers for an additional period of time.

The applicant had consented for their response to be published.

Applicant's case for the need for the containers

With the initial application in 2019 for the 2 storage containers Finishing Techniques Ltd were in the latter stages of securing a building plot near Preston. Unfortunately, with delays in confirmation of the lease arrangements, this proposed move and development stalled, meaning development/storage space at Halter Inn Works due to the needs of the business were temporarily required. It was determined an alternative site would be needed quickly, and negotiations secured the Chamberhall Site (Bury) in 2021. The intention being that development starts as soon as possible after contracts were signed. As has been the case with all development during 2020/21 due to Covid and lockdowns, labour and materials have been in short supply causing starting delays, probably into 2023.

The applicant states that they have maximised their equipment ability at Halter Inn Works, so are pushing forward with plans for the new premises and the containers would enable efficiency of the business until they can vacate the premises at Holcombe Brook. If they were required to remove the containers, alternative storage away from Holcombe Brook would be needed, adding to the traffic movement that has caused concern for the complainants. The additional cost accrued due to off-site storage will also delay relocation, again extending the inconvenience which was also mentioned by the objectors.

Having evaluated the frequency for large and small deliveries/collections, this has been calculated/averaged from their work schedules as follows :

- small van parking in front of the building : 1x AM/1x PM daily
- medium van (UPS/courier) parking in front of the building : 1x PM 4 days per week
- medium van (UPS/courier) parking in front of the building : 1x AM 2 days per week
- large truck (7.5T/17T) parking at side of building (unadopted road), usually with access around the vehicle : 1x per week (actually blocking of the road is very rare)
- small/medium deliveries are usually <5mins; larger deliveries <10mins.

Parking layout has been changed to reduce the number of 'overflow' situations, with tighter spacing required from employees. Once per month there is a management meeting which adds to the space constraints, but if this means parking on the unadopted road it can be managed by parking available on nearby main roads if space is unavailable at Halter Inn Works.

Assessment

In terms of the access, Redisher Croft is a single lane road and fairly narrow and there is also a bend in the road which rises steeply from the site to the main road. The access which is a bridleway continues past the site to serve the residents of Redisher Croft.

The existing site plan show there to be two parking spaces which would be displaced by the container in the car park. The container would not encroach further into the parking area than if cars were parked in the two spaces and as such there should be scope for delivery vehicles to park within the service yard as there was previously prior to the siting of the containers.

The rear of the site is not used for servicing purposes and the container located in this area does not affect access to the building at this point.

The use of the containers would not generate any more traffic to the site or access issues beyond what already exists for the business.

In terms of parking provision, the container in the car park would displace one, and at the most two parking spaces which are positioned along the southern boundary of the site. The proposed layout plan shows these spaces re-located to the northern yard area and as such there would be no overall loss of parking for the site.

The Highway Section have raised no objection to the retention of the containers for a temporary period.

It is therefore considered the siting of the containers should not affect the way the business should operate in terms of access and parking and in balancing the needs of the business for a temporary period, the proposed development would be acceptable and comply with UDP Policies EC6/1, EN1/2 and HT2/4.

Conservation policy principles

Para 194 of the NPPF states that in determining applications, LPA's should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand potential impact of the proposal on their significance.

Para 197 states that in determining applications, LPA's should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- the desirability of new development making a positive contribution to local character and

distinctiveness.

UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Controls seeks to preserve or enhance the character and appearance of these areas and to promote design to ensure sympathetic development. Proposals will only be acceptable where they would preserve or enhance the special character or appearance of the area.

The site is located in the Holcombe Conservation Area and as such regard is given to the special character of such areas and the impacts of development.

A Heritage Statement has been submitted with the application where it is concluded that there would be less than substantial harm caused to the significance of the designated heritage asset. The assessment is considered reasonable and acceptable and the detail proportionate to the related development.

The scale and massing of the containers are considered moderate, being relatively low in height and small in footprint comparative to the industrial building. Sited in corners of the car park and small enclosed yard area, the containers are not prominent structures and views are minimal. As temporary buildings, it is considered that there would not be detrimental harm caused to the conservation area and that the character of the area would be preserved.

As such, it is considered that given the siting, scale and temporary nature of the development, there would not be a detrimental impact on the conservation area and the development would preserve the special character of the area and comply with UDP Policies EN2/1, EN2/2 and the principles of the NPPF.

Response to objections

- Issues have been raised in the above report

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 permission hereby granted is for a temporary period of 3 years from the date of this decision and the works comprising the development are required to be removed at the end of said period and the car park reinstated to its former layout arrangement.
Reason. In view of the temporary nature of the development and to mitigate any long term impact on the access to the site and adjacent Public Right of Way and use pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development.
- 2 This decision relates to drawings Site location plan 19-335 00-01; Existing site plan with ground floor 00-02; Existing site plan with roof plan 00-03; Proposed site plan with ground floor 01-02; Proposed site plan with roof plan 01-03; Proposed containers 01-04 and the development shall not be carried out except in accordance

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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 containers hereby approved shall be used for ancillary storage use only in association with the existing industrial unit and for no other purpose.

Reason. To safeguard the amenity of the occupiers of nearby residential properties pursuant to policies EC6/1 - Assessing New Business, Industrial and Commercial Development, EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution of the Unitary Development Plan listed below.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	28/10/22		