

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 29/03/2023	Ref: 69045/FUL
Registration: 12/12/2022	LDfC: 03/01/2023	Expiry Date: 06/02/2023
Site Visit: 22/12/2022	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: Single storey extension to existing workshop

Location: RRG, 1 Bolton Street, Bury, BL9 0EY

Description

The site relates to an existing car sales/car showroom business which is located in Bury Town Centre. To the north is Bolton Street which is a main throughroute to the town centre. To the west is Millett Street which provides the access to the site. There are residential properties fronting Millett Street directly adjacent to the site entrance and to the south of the site.

The main building accommodates the car showroom and workshop which fronts Bolton Street with a smaller workshop/prep bay building located next to the southern boundary. Parking is located to the south and west of the showroom/workshop building and at the rear (east) of the building.

The application seeks a single storey extension to the main building to provide additional workshop space.

The extension would be located on the eastern side of the building and have a regular shape footprint of 21m x 21m which would follow the building lines of the existing showroom/workshop with a height of 7.3m to follow the existing ridge . A parapet to part of the roof would enclose plant equipment.

Elevations would comprise brickwork at the lower part and profile metal cladding above with aluminium windows to match the existing.

The extension would be located on part of the car park at the rear of the site resulting in the loss of some parking spaces. To compensate for this loss, it is proposed to remove the smaller workshop to the south, where parking would be re-provided. There would be a net loss of 2 parking spaces across the overall site as a result of the proposed development.

Relevant Planning History

44269 - 2 No. Car display bays - Approve with Conditions 11/05/2005
45412 - 2 No. Internally illuminated id signs, fascia signs & entrance sign - Approve with Conditions 06/12/2005
46331 - Advertisement flags - Split DecisionS - 03/07/2006
52230 - Reconfiguration of car display areas (resub of 51758) - Approve 6/4/2010
53020 - Variation of Condition 2 following grant of planning permission 52230 for reconfiguration of car display area - Approve with Conditions 08/11/2010
54853 - Variation of condition no.2. on approved planning application 52230 for substitution to green macadam paving - Approve with Conditions 13/04/2012
55166 - 4 No. internally illuminated fascia signs (signs B, C, I and J); 2 No. non-illuminated fascia signs (signs A and F); 1 No. internally illuminated free standing sign (sign D); 8 No.

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non-illuminated free standing signs (signs M, N, P, Q, R, S, T and U); and 2 no. window vinyls(signs E and H) and 2 No. internally illuminated totem signs (sign K and O). -

Approve with Conditions 29/06/2012

55218 - S/s extension to car sales showroom with new security gate and new vehicle access door and minor modification to the facade of the prep bays - Approved 17/7/2012

55652 - 1 No. internally illuminated totem sign - Refused 08/11/2012

56003 - 2 No. wall mounted high level internally illuminated fascia signs - Approve 08/03/2013

Publicity

Letters sent to 27 properties on 13/12/22

No responses received as a result of the publicity

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Environmental Health - Commercial Section - No comments to make

Environmental Health contam land - No objections

United Utilities - No objection subject to conditions

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
HT4	New Development
Area	Tentersfield/Millet Street/Tenterden Street
BY1	
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.

Principle

Policy EC6/1 states that all new business, industrial and commercial development will be expected to be of a high standard of design and appearance and to take account of the surrounding environment. Factors to be assessed include:

- size, scale, density, layout, height and materials;
- access and car parking provision;
- landscaping and boundary treatments;
- the effect on neighbouring properties;
- the safety of employees, visitors and adjacent occupiers.

Policy S4/4 states that car showrooms, car sales areas and petrol filling stations should be located within or adjoining established shopping areas, along classified roads or within other industrial and commercial areas within the borough. Proposals should take account of the potential disruption to the free flow of traffic, the provision of well laid out car parking and display facilities with safe and convenient arrangements for access, circulation and egress, road safety and the safety of pedestrians and the amenity of the nearby residents and businesses.

The proposed extension would facilitate the expansion of an established business and is required to meet industry standards and working practices and would consolidate the workspace to enable more efficient operations and processes to be carried out within the same building rather than as a disparate arrangement.

The extension would be located close to a classified road and would not disrupt access or traffic in the area.

It is therefore considered the proposed development would be acceptable and comply with EC6/1 and S4/4.

Layout -The proposed extension would be attached to the eastern side of the existing main

building and would be contained within the existing site boundaries. It would be located on part of the site which is currently used as parking/store for the cars for sale and also staff parking.

Replacement parking would be provided on the footprint of the workshop to the south of the site which is to be demolished.

Located at the rear of the site, the proposed extension would not affect the access or circulation and movement around the rest of the site and would be located at the furthest part of the site away from residential properties.

Existing boundary treatment would be retained.

It is therefore considered the proposed layout arrangement would be acceptable and comply with EC6/1 and S4/4..

Design and impact in the surrounding area - The proposed extension would match the existing building in terms of design and height and would be constructed from matching materials, comprising brickwork at the lower level and profiled cladding above.

The north elevation would front Bolton Street, but a large part would be screened by the existing the boundary fence. There is also a wide grassed verge between the site and the pedestrian footway to Bolton Street and the road itself and as such it is considered the proposed extension would not have an adverse visual impact on the streetscene.

In terms of proximity to houses, the proposed extension would be located at the rear of the site and more than 50m away from the nearest houses on Millett Street and properties to the south on Sankey Street and Doctors Lane. There are intervening buildings which would screen the extension from views and mitigate noise and activity from the site.

It is therefore considered the proposed extension would not cause a detrimental harm to residential amenity in the area.

The development would therefore accord with EN1/2, EC6/1 and S4/4.

Parking - The proposed extension would be sited on an area of parking at the rear of the site which is used to store cars for sale and provide staff parking.

To compensate for the loss of the spaces, it is proposed to demolish the smaller work shop which is located in the southern part of the site and which would no longer be required in any event as new workshop facilities are proposed in the extension.

There would be an overall loss of 2 parking spaces as a result of the development but this is considered to be relatively minor considering the overall parking provision within the site.

There would be no changes to the existing access to the site or circulation for vehicles and pedestrians.

The Highway Section have raised no objection to the proposed development.

As such, it is considered the proposed development would be acceptable and comply with EC6/1, S4/4 and HT2/4.

Air quality - The site is situated within Bury Council's Air Quality Management Area. Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion.

The proposal includes an increase in car parking spaces and due to the above, and the requirements of the new building regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), EV chargepoints should be provided. The existing site plan shows the location of existing chargepoints and the two chargers on the building to be demolished will be re-sited within the new development site and the new workshop will contain at least two dedicated EV work bays complete with

chargers. This would be included as a condition.

Drainage - A United Utilities asset/water main crosses the site. The position of the proposed extension indicates that part of the extension would be located over this pipeline. United Utilities have been consulted and requested that the applicant locate the exact line and depth of the 225mm combined sewer and that any footings ensure no loading is placed on the sewer.

The applicant has provided a drainage survey plan which has been taken from a site survey by a specialist, which locates the route and depth of the pipe. The applicant also states that allowance would be made for the pipeline within the design of the foundations for the extension.

UU have raised no objection subject to pre-commencement conditions to provide a sustainable drainage water strategy and details to protect the water main from damage during completion and post completion of the development.

It is therefore considered that with the recommended conditions, the proposed development would be acceptable.

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 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 Existing site layout M22-04-EX01 rev 03; Proposed site plan M22-04-PR01 rev 01; Existing building layout M22-04-EX03; Location plan M22-04-LP; Block plan M22-04-BP; Existing elevations M22-04-EX02; Proposed plan M22-04-PR03; Proposed elevations M22-04-PR02; Sketch Scheme#4 M22-04-S004 rev 04 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 amended car parking facilities indicated on approved plan reference M22-04-PR01 Revision 01 shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 4 The external finishing materials for the proposal hereby approved shall match those

of the existing building.

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.

- 5 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. 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 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 7 No construction shall commence until details of the means of ensuring the water main/United Utilities Assets that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the assets/water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the assets/water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason. The current application contains insufficient information. In the interest of public health and to ensure protection of the public water supply 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 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

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- 8 The EV chargepoints shown on approved drawing - Existing Site Layout M22-04-EX01 rev 03 - and provision for 2 additional charge points within the new development site and new workshop shall be provided prior to first use of the development hereby approved and thereafter maintained.
Reason. To accord with the principles of sustainable development pursuant to chapter 15 - Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	29/3/23	DM	29/03/2023