

DELEGATED REPORT

Report by Claire Booth	Date of report: 22/02/2023	Ref: 68995/FUL
Registration: 10/11/2022	LDfC: 10/12/2022	Expiry Date: 05/01/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: Negotiating amendments		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIMW

Proposal: Erection of 4 no. light industrial units (Class E (g)(iii)) with associated access and parking

Location: Storage yard at Woolfold Trading Estate, Stewart Street, Bury, BL8 1SB

Description

The application site is an open storage area located within Woolfold Trading Estate, in its North-West corner, adjacent to an existing light industrial unit and the site boundary.

The area is characterised by a mix of industrial and residential/community uses. Immediately to the north (attached), east and south are industrial premises. To the west is Elton Community Primary School. The nearest residential properties are on St James Court to the north-west (Council owned). The garden areas of these properties adjoin the application site.

The piece of land to which the application relates would have formerly been the yard area associated with a building adjacent to the east of the site. The north western site boundary forms the rear garden areas of nos. 9 to 33 (odd) St James Court, that is accessed from Whitelegge Street. Walshaw Brook lies adjacent to the rear/ south-west corner of the application site.

Planning permission is sought for the erection of 4 no. light industrial units (Use Class E.g.) accessed from within the trading estate. The proposed building would have approximate dimensions of 39m x 8.25m. The building would have an eaves height of 5.9m and a ridge height of approximately 6.8m. Materials would consist of green coloured metal cladding to the walls, and grey coloured metal fascia, gutters and downpipes. 12 parking spaces are proposed along the length of the site side boundary bordering the rear garden areas of nos. 9 - 33 (odd) St James Court.

Access would be from the southern access road leading to Alston Street at its junction with Mitchell Street. The main vehicular access to the new buildings would be via the roller shutter doors on the north-west facing elevations. Pedestrian access would be via the individual entrances to each unit located on the north-west elevation of the units. Parking provision is therefore proposed along the boundary shared with St James Court.

During the course of the application it has been amended to provide additional detail on the parking provision proposed, and including space within the site for refuse storage, cycle storage, and space for an acoustic fence to be erected on the shared boundary with St James Court. The amendments also propose the following opening hours for the four proposed units:

Monday - Friday: 08:00 - 17:30
Saturdays and Sundays: 09:00 – 17:30
Public Holidays: Closed

Relevant Planning History

No planning history for the application site itself.

Publicity

Neighbouring properties bordering the site have been notified by letter and a site notice was erected on Mitchell Street. No representations have been received throughout the course of this application.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions.

Environmental Health - Contaminated Land - No comments or observations received.

Borough Engineer - Drainage Section - no comments or observations received.

United Utilities (Water and waste) - No objections, subject to a condition being imposed requiring sustainable surface water and foul water drainage schemes.

Environmental Health - Pollution Control - No comments or observations received.

Property & Technical Services - Estates Consultancy - No comments or observations received.

Pre-start Conditions - Agent has agreed with the necessary pre-start condition(s).

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EC2/2	Employment Land and Premises
EC3/1	Measures to Improve Industrial Areas
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD14	Employment Land and Premises
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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 of development - The site is within an existing industrial trading estate.

Paragraph 81 of the NPPF states:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future..."

The proposal would support economic growth and is therefore considered to be acceptable in principle.

Design and Visual Amenity - The new building would be of a similar scale to the adjoining building and those surrounding, and its design and appearance would be in keeping with the commercial buildings within the trading estate. The mix of brick and profiled cladding is acceptable for the finishing materials. When viewing the site from outside the site and from within the trading estate the proposed building will relate well to the existing nucleus of buildings within the trading estate.

A well established conifer hedgerow exists on the eastern boundary of the site within the garden area of properties on St James Court which would minimise the impact of the building on wider visual amenity. The proposal thus complies with Policy EN1/2 Townscape

and Built Design and associated guidance.

Residential Amenity - Given the presence of residential properties adjoining the eastern boundary of the site and the boundary hedgerow along the shared boundary the proposed scale and massing would not have an adverse impact on the amenity of these residents.

In terms of the proposed use, it is proposed to use the proposed buildings for uses that accord with Class E g) i.e. for E(g): Uses which can be carried out in a residential area without detriment to its amenity. Such uses are therefore considered to be acceptable in cases such as this.

An Acoustic Fence is proposed along the shared boundary of properties on St James Court which would assist with minimising noise from the proposed units and also will provide some mitigation from users of the car park. The presence of an Acoustic Fence would also prevent car headlights from potentially seeping through the conifer trees/ hedge into the habitable rooms of adjoining occupiers.

At the request of the Local Planning Authority (LPA); the following proposed hours of opening have been amended to try and mitigate from the noise and disturbance that would take place from the units proposed. The amended hours put forward are:

08:00 - 17:30 Monday to Friday,

09:00 – 17:30 on Saturday and Sundays, with closure proposed on Bank and Public Holidays.

The opening hours proposed between Monday and Friday coincide with the opening hours of other buildings on the trading estate and are thus considered to be acceptable, as too are the opening hours proposed for Saturdays. However, due to the close proximity of properties adjoining the site, and Sundays generally being a quieter day for nearby residents, the LPA considers that the proposed Sunday opening hours should be restricted to between 10:00 and 16:00 hours. It is therefore recommended that these hours be secured by planning condition.

As well as restricting the opening hours and restricting the use of each unit to Use Class E (g) by planning conditions, mechanical roller shutter doors, rather than manual roller shutters opened and closed by turning chains, will be required by condition to minimise noise and the disturbance caused by opening and closing traditionally opened roller shutter doors. To prevent over intensification of the site and in the interests of safeguarding the amenity of adjoining residents, conditions restricting the insertion of mezzanine floors and requiring no external storage on the site are also recommended.

Parking and Highway Safety - The trading estate is well established with appropriate access, parking and servicing arrangements. These proposals seek permission for 16 parking spaces on site. Amended information has been submitted to also provide parking for motorised two-wheel vehicles, cycle parking provision on the site and a disabled parking bay. The amended Site Plan also demonstrates vehicular tracking from the bay closest to the northern boundary of the site.

The parking provision proposed provides sufficient parking provision to accord with the requirements of the Council's adopted Parking Standards, with all vehicles being able to enter and leave the application in a forward gear and it also provides a disabled parking bay to accord with both the SPD on parking standards and Policy H75/1

There are no traffic or highway safety concerns with regard to the proposal given the distance of the application site from the adopted highway. Whilst the Highway Authority requested a Construction Management Plan, given the proposed building would be at the far end of the trading estate, a fair distance from the adopted highway Officers consider that such a condition would not be reasonable and thus this condition is not recommended.

The other two conditions relating to ensuring the car park is laid out and completed prior to occupation however are recommended to ensure the wider trading estate continues to operate without disruption.

In the interests of ensuring that sufficient parking provision remains on-site, a condition restricting external storage on the site and restricting mezzanine floors is recommended.

Subject to the imposition of the above-mentioned conditions, it is considered the proposal complies with UDP traffic and parking policies, SPD11 and the NPPF.

Drainage and Flood Risk - The site is not within a flood risk area.

There is a public sewer located in close proximity to the application site, on the area of land to the rear of the application site. United Utilities have therefore requested conditions be imposed to ensure the public sewer is safeguarded from the proposed development, including during its construction. The Highway Authority has also requested a planning condition be imposed relating to surface water drainage in the interests of highway safety.

Trees bordering the site - The conifer hedgerow/ conifer trees abutting the shared boundary of St James Court (Council owned) that were clearly planted to provide a natural buffer to the trading estate. Conifer trees tend to be fairly shallow rooted. The proposed Acoustic Fence would be against the shared boundary and this well established conifer hedge. When requesting an Acoustic Fence, the LPA advised the applicant to use a fence with pegs to the base so that a fence did not cut straight through the Root Protection Areas of these trees. This type of fence is shown on the approved drawings and will thus be secured by condition.

Conclusion - It has been demonstrated above that, subject to the recommended planning conditions, the proposals accord with the aforementioned policies in the adopted Local Plan and the National Planning Policy Framework. It is therefore recommended that conditional planning permission be granted for the development proposed.

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 permission relates to the following plans:

Drawing no. 01696 - SK - 01 Rev. C: Proposed Site Block Plan;
Drawing no. 01636/SK/02: Existing Elevations, Proposed Plans, Elevations; and,
Drawing no. 01636 - SK - 03 Rev. B: Existing and Proposed Elevation A-A,

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 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) No surface water will be permitted to discharge to the public sewer network;
- (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: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 4 No construction work, construction traffic or operation of any plant/machinery shall take place on the site during the course of the development hereby approved except between the hours of 0800 hours and 1800 hours Monday to Friday and 0900 and 1300. No construction work, construction traffic or operation of any plant/machinery shall take place on Sundays or Public Holidays. Furthermore, no deliveries or vehicles shall arrive on site outside these stipulated working works.

Reason: In order to protect the residential amenity of the occupiers of the adjacent properties and to comply with\ Policy EN7/2 of Bury Unitary Development Plan and the National Planning Policy Framework.

- 5 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans (drawing no 01636-SK/02).

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policy EN1/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 6 The proposed vehicular and pedestrian access arrangements, incorporating the removal of the existing gates and boundary treatment, and provision of turning facilities and bin storage/collection arrangements within the curtilage of the site indicated on the approved plans shall be provided before the development is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason: In the interests of highway safety and to minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.

- 7 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority 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.

- 8 Prior to occupation of any of the units hereby approved, the acoustic barrier shall be erected in accordance with the details shown on Drawing No. 01636/SK/03/Rev. B and shall be maintained in accordance with these details thereafter. The acoustic fence shall be constructed/installed and then maintained and retained thereafter fully in accordance with the submitted drawings and specifications.

Reason: To protect/safeguard the health and quality of life (amenity) of residential premises in accordance with the National Planning Policy Framework

- 9 The units hereby approved shall be fitted with an electric roller shutter door which does not project outwards at any time during or after operation and shall thereafter be maintained.

Reason: To enable vehicles to enter and leave the whilst the garage doors are opened and closed in the interests of ensuring the car park is available for use at all times, and in the interests of safeguarding the amenity of nearby residential occupiers. in accordance with the requirements of Bury Unitary Development Plan policy EN1/2 and policy EN7/2, and the National Planning Policy Framework.

- 10 The premises shall only be open for trade or business or accept deliveries between 08:00 hours and 17:30 hours Monday to Friday, between the hours of 09:00 - 17:30 hours on Saturdays and between 10:00 hours and 16:00 hours on Sundays. There shall be no operation on Bank or Public Holidays.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Bury Unitary Development Plan policy EN1/2 and policy EN7/2, and the National Planning Policy Framework.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for Class E(g)(iii) purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) only, and for no other purpose (including any other use which falls within use class E of the same Order or any equivalent Order following the revocation and re-enactment thereof, with or without modification).

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Bury Unitary Development Plan policy EP27 and the National Planning Policy Framework.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking or re-enacting that Order, no extensions or alterations, including the introduction of mezzanine floors, shall be carried out in respect of the buildings to which this permission relates.

Reason: To prevent an intensification in the use of the premises, in the interests of

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the visual amenities of the area and the amenities of local residents within the Borough in accordance with Policies EN7/2 and HT2/4 of the Bury Unitary Development Plan, SPD11 - 'Parking standards in Bury', and the National Planning Policy Framework.

- 13 No goods, plant or materials shall be deposited or stored on the site other than in the buildings shown on the approved plans.

Reason: To ensure the car park can be used for its intended purpose, a satisfactory appearance of the site in the interests of local visual amenity and in the interests of the amenities of nearby residents to comply with Policy EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	22/02/2023	DM	23/02/23