

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/12/2021	Ref: 67839/NON
Registration: 25/11/2021	LDfC:	Expiry Date: 23/12/2021
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non material amendment following approval of planning permission 66752- Alterations to the elevation to remove the previously proposed roller shutter doors and retain the existing window opening (albeit replaced with new UPVC units to match others in this elevation) and a door for each of the units. Internal alterations to reposition proposed WCs resulting in a reduction of 1no. unit and an increase in size of unit No. 4.

Location: The Pilot Mill, Alfred Street, Bury, BL9 9EF

Description

The proposal relates to the partial ground floor on the north side of Pilot Mill, which is in use for industrial, retail and leisure uses. There are 2 access points into the site off Alfred Street which lead to servicing and car park. The building is on the Council's draft local list and is an example of an early 20th century build of classical influence.

The site is flanked by relatively new residential development to the north (with partial vegetative screening), traditional residential terraces to the west and the River Roch Greenway, a public footpath to the east.

Planning permission (ref 66752) was granted in August 2021 for the subdivision of a portion of the ground floor on the north side of the existing building (presently used for warehousing) to create 7no. business units (use class E, Part G i, ii, iii, B2, B8) and external alterations including replacement double height windows and the installation of roller shutters.

This application seeks to retain the existing window openings with internal reconfiguration to reduce the Nos of units to 6 and increase the size of 1 unit (unit 4).
The application has been submitted as a non-material amendment.

Relevant Planning History

66752 - Subdivision of a portion of the ground floor of the existing building to create 7no. business units (Use Class E Part G i, ii, iii, B2, B8) and external alterations including replacement windows and the installation of roller shutters to the northern elevation - Approved 6/8/21

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC2/2	Employment Land and Premises
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
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.

Layout - The proposal seeks internal re-configuration of the layout only. This would reduce the number of units from 7 no. to 6 no. and re-position of the WC facilities. The proposals would not impact on the serving or parking arrangements, the site or the wider area. As such, the proposals are considered to be non-material.

Visual amenity - It is proposed to retain the existing openings, albeit it replace the frames with new Upvc to match the other similar openings in the elevation. It is therefore considered this approach would be acceptable and would not materially impact on the appearance of the building. As such, the proposals are considered to be non-material.

It is therefore considered that the proposed amendments would not change the character of the originally approved scheme and as such considered acceptable as a non-material amendment to approval 66752.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments to the elevations and internal re-configuration of the units would not affect the character of the originally approved scheme and there would be no adverse impact on layout, access or site as a whole. the development would still be in accordance with the principles of planning permission 66752 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/12/21	DM	15/12/2021