

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 24/03/2022	Ref: 67521/FUL
Registration: 29/11/2021	LDfC: 23/12/2021	Expiry Date: 24/01/2022
Site Visit: 21/12/2021	Site Notice: 21/12/2021	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIMW

Proposal: Demolition of 2 no. small industrial units and the development of 1 no. infill warehouse unit

Location: Former Ashworth, Miller Street, Radcliffe, Manchester, M26 4AF

Description

The application relates to an existing industrial site which was formally occupied by a building supply company. The site has been in industrial use for more than 50 years, and over the years has been developed at different stages, resulting in a series of linked industrial units of varying scale and form across the site.

Parking for the site is located around the buildings with a larger car park and servicing area to the east of the site. Access to the site is taken from Miller Street, a short stretch of road which terminates approx halfway along the length of the northern boundary of the site.

The site is located off a busy main road which serves a number of uses in the area. To the north of the site is residential development, to the eastern boundary is Green Belt land and to the south is industrial/commercial development.

The application seeks the demolition of 2 of the smaller units on site and re-development to provide 1 no. infill warehouse unit.

The units to be demolished are single storey, relatively small in size and are located on the northern side of a larger unit (unit 3) more or less centrally within the site
The proposed building would be connected on the northern side of unit 3 filling in the gap between unit 2 and unit 3a.

The proposed building would be approx L36m x D25m x H9.2m.
Elevations would comprise horizontal profile cladding in grey at the lower part, vertical cladding (green) above, with a grey clad roof incorporating rooflights.
(Prior approval was granted in 2021 for the demolition of 3 elements of the linked building on the site but none of the buildings to be demolished relate to this application).

The whole of the site would be rationalised and involve some re-configuration of the servicing and parking arrangements to serve different areas of the site. There would be a total of 96 no parking spaces for the site (including disabled spaces) which would be formally demarcated.

There would be two entrance points, one at the top end of Miller Street and the access at the end of Miller Street, both leading to internal routes through the site.

Relevant Planning History

02551/E - Development of existing vacant industrial site including the demolition of 2 no. buildings and the erection of new office building and associated landscaping
- Enquiry completed 26/04/2021

66543 - Prior approval for proposed demolition of 1: Small single storey brick building to the north east of the site 2: Single storey brick warehouse building 3: Two Storey office building
- Prior Approval Required and Granted 01/04/2021
20/0382 - Siting of metal containers and erection of fencing -
21/0196 - Breach of condition no.2 (demolition management plan) of prior approval for demolition permission 66543 -

Publicity

Letters sent on 1/12/21 to 38 adjacent properties.
site notice posted 21/12/21.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section -No objection subject to conditions

Environmental Health - Contaminated Land - No objection subject to conditions

Environment Agency - No response received

Greater Manchester Ecology Unit - No objection subject to conditions/informatives

The Coal Authority - Coal Report submitted. Initial objection withdrawn and a condition is recommended.

United Utilities - No objection subject to a condition for submission of a surface water drainage scheme.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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 - Assessing New Business, Industrial and Commercial development expects development to be of a high standard of design and appearance, and take account of the surrounding environment and amenity.

The site is an established industrial site, having been in operation for circa 50 years. The demolition of 2 small units and redevelopment to provide a single industrial unit would therefore be accepted in principle on this site subject to considerations of scale, access and parking, effect on neighbouring properties and safety of employees/visitors/nearby occupiers.

Layout - The 2 units to be demolished are located more or less centrally within the site in the courtyard area which serves units 2, 3 and 3a.

The proposed unit would infill the courtyard area and would be connected on 3 sides to the other units. It would be fully contained within this area of the site and as such considered acceptable.

It is also proposed to re-configure the access, parking and servicing of the site by formalising the servicing areas and locating parking areas adjacent to the units on site.

There would be 2 access points to the site, one at the upper end of Miller Street and the existing access to the site at the end of this road which would improve arrangements for deliveries and servicing of the site by providing more direct routes to the units, as well as improving access and manoeuvrability internally.

It is therefore considered that the proposed development would be acceptable and comply with policies EC6/1, EN1/2 and HT2/4.

Visual amenity - The proposed unit would be located between 3 other units (units 2, 3 and 3a), essentially infilling a courtyard area. The proposed industrial area would be 9.2m high and would be no higher than other units on the site. Located centrally within the site and enclosed by other built form on 3 elevations, it is considered the proposed development would not be significantly more prominent or visible than already exists at the site. Furthermore, it would be some distance from public areas, houses and the main road.

Materials would comprise horizontal grey cladding at the lower part with the remainder of the elevations in vertical green cladding with a grey cladded roof. The proposed unit would be constructed of materials similar to the existing units on site and considered appropriate within the setting of an industrial site.

It is therefore considered there would not be a significantly detrimental impact on the visual amenity of the area and as such the development would comply with EC6/1 and EN1/2.

Residential amenity - The nearest properties would be those to the north of the site, across Miller Street.

There would be more than 20m between the proposed unit and the nearest house, No 7 Miller Street and more than 25m to No 3 Miller Street. Given the existing use of the site as industrial and the separation distances it is considered that impact on residential amenity would not be significant.

Removal of existing points of delivery would reduce commercial activity at the northeast end of the site, and providing formalised parking around the site would better the relationship of the site to the residents closest by.

It is therefore considered that the proposed development would not be significantly harmful to the adjacent residential occupiers and as such would comply with EC6/2 and EN1/2.

Ecology

Summary

There are unlikely to be any ecological issues with this phase of the development. Issues relating to bats and nesting birds can be dealt with via informative.

Bats

The buildings to be demolished were assessed as negligible risk as part of a visual assessment of the entire complex in January 2021. This assessment is still valid. With regard the buildings to be demolished in this phase GMEU have no reason to doubt the findings of the report. In addition the three buildings that the infill building will adjoin were also assessed as negligible risk, which with regards the level of impact this building will have on these buildings GMEU concur. Whilst certain elevations will be blocked these are primarily blank walls, with gable ends and the roof of two of the adjoining buildings higher than the new build.

As individual bats can on occasion turn up in unexpected locations, GMEU recommend an informative to remind the applicant of responsibilities that under the 2019 Regulations where it is an offence to disturb, harm or kill bats.

Nesting Birds

The buildings are very low risk for nesting birds. Birds could however nest on the roof of adjoining buildings. GMEU therefore recommend an informative that if a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. There appear to be no habitat or species impacts resulting from this phase of the development. Enhancements could however be provided eg a nest or bat box on one of the brick gable ends of the building to the south of the infill development. The details could be conditioned.

Coal Authority (CA) - The Coal Authority previously objected to this application in a letter dated 13th December 2021 as no Coal Mining Risk Assessment was submitted by the

applicant to support the application.

This application has now been accompanied by a Phase 1 Geo-Environmental and Coal Mining Risk Assessment report and has been based upon a review of Coal Authority information, historical maps and geological data, and concludes that unrecorded underground coal mine workings at shallow depth may be present beneath the site. The report also draws attention to historic recorded coal mining at shallow depths, potential unrecorded mine entries and a coal mining geology fault present on site.

The report makes recommendations for ground investigations to be carried out on the site in order to establish the exact situation regarding coal mining legacy present and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable.

The Coal Authority therefore raise no objection to the application subject to a condition for a scheme of intrusive investigations to be carried out and the findings supplied to the LPA.

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 -
Location plan 20.173 001 A; Existing site plan 20.173 002 A; Demolition plan 20.173 003 C; Demolition images 20.173 004 C; Existing plan 20.173.006 001 A; Proposed plan 20.173.006 002 C; Proposed elevations 20.173.006 003 C; Existing elevations 20.173.006 004 A; Proposed site plan 20.173 005 L; Coal Report Phase 1 by pwa dated Feb 2022; Extended phase 1 habitat survey January 202; Demolition Works Risk Assessment and Method statement Rev A
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 No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning

Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 4 Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

- 5 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following demolition/construction of the development;
- Access point(s) for demolition/construction traffic from the highway and all temporary works required to facilitate access for demolition/construction vehicles;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access(es);
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the demolition/construction operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition/construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of the both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development

Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 6 The access alterations, one way working and all associated signage and road markings within the curtilage of the site indicated on approved plan reference 20.173 005 Revision L shall be implemented prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To secure the satisfactory development of the site in terms of highway safety, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2/4 - Car Parking and New development, HT6/2 - Pedestrian/Vehicular Conflict and EN1/2 - Townscape and Built Design.
- 7 The various car and cycle parking facilities indicated on approved plan reference 20.173 005 Revision L shall be surfaced, demarcated and made available for use to the 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 The turning facilities indicated on approved plan reference 20.173 005 Revision L 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. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2/4 - Car parking and New Development, HT6/2 - Pedestrian/Vehicular Conflict and EN1/2 - Townscape and Built Design.
- 9 The bin storage arrangements indicated on approved plan reference 20.173 005 Revision L shall be implemented before the development hereby approved is brought into use and thereafter be maintained available for use at all times.
Reason. To ensure adequate refuse storage facilities are available for use within the site pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design.
- 10 The industrial unit hereby approved shall incorporate a nest or bat box on one of the gable ends of the building to the south of the infill development which shall thereafter be maintained.
Reason. To secure the satisfactory development of the site and to contribute to and enhance the natural and local environment, pursuant to policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 11 No development shall commence until;
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
Reason. The undertaking of intrusive site investigations, prior to the

commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 12 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 13 No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;
- (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); and
- (iii) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme and thereafter maintained.

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.

- 14 Foul and surface water shall be drained on separate systems.

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 - 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	24/3/22		