

**DELEGATED REPORT**

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|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 26/05/2022 | <b>Ref:</b> 67993/FUL          |
| <b>Registration:</b> 09/02/2022 | <b>LDfC:</b> 03/03/2022           | <b>Expiry Date:</b> 06/04/2022 |
| <b>Site Visit:</b> 09/03/2022   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIMW        |

**Proposal:** Demolition of existing industrial unit and erection of replacement industrial unit; Widening of access with height restriction gantry and sliding gates

**Location:** Britannia Mill, Samuel Street, Bury, BL9 6PG

**Description**

The application site lies between Britannia Mill and Bright Street, Bury and is currently occupied by a commercial building and associated yard use for parking vans. The site lies within an Employment Generating Area and is surrounded by industrial/commercial premises.

The proposal involves demolition of the existing building and erection of a new industrial building. The building would be a steel framed structure with profiled metal cladding. The footprint would measure 15 metres wide by 22.8 metre deep and would be sited in the northern section of the site where the existing yard is now. There would be 8 parking spaces and yard area to the south of the building which would be enclosed by the existing brick wall around the site. A height restrictor is proposed for the entrance to prevent large HGVs entering the site.

**Relevant Planning History**

02302/E - New Industrial Building - Enquiry completed.

51099 - Change of use from B2 Business to dog training activity and education centre (sui generis) - AC 28/04/2009.

45687 - New Industrial building - AC 09/03/2006

**Publicity**

Immediate neighbours notified by letter dated 10/02/2022. No objections received.

**Statutory/Non-Statutory Consultations**

**Traffic Section** - No objection.

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

**Unitary Development Plan and Policies**

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

**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.

**Economic Development** - As the site lies within in an Employment Generating Area and surrounded by other industrial and commercial type uses, the proposal would be acceptable in principle in this location.

The current industrial building is considered as no longer fit for purpose and requires either upgrading or rebuilding. The new building would fall within the B2 and B8 use classes, as does the existing building.

**Visual amenity and streetscape** - Although the proposed new building would be larger than the existing building, it would be not so significantly larger as to appear out of keeping and overdominant within the immediate area. It is noted that the existing boundary wall would be retained and this would help partly screen the site and allow it to fit into then

existing streetscape. The proposal is considered to be acceptable in terms of design and appearance and complies with UDP Policies EN1/2 Townscape and Built Design.

**Residential amenity** - The immediate neighbours are industrial/commercial uses. The development would not have a detrimental impact on the neighbouring properties as there are no residential properties nearby. Complies with UDP Policy EC4/1 Small Businesses in terms of residential amenity.

**Bats** - Due to demolition, a bat report was submitted with the application. It concluded that there is no evidence of bats in the building. As such demolition can commence without the need for surveys.

**Access and Parking** - Main access and vehicular access for staff will remain generally the same as existing, off Samuel Street, albeit reduced in width and moved away from the junction. The vehicular access will have a height restrictor to allow only car and larger transit van access with no allowance for larger articulated vehicles or wagons.

Adopted maximum car parking standards are set out in guidance document although a flexible approach to their implementation will be taken in appropriate cases, where a reduced provision may be acceptable. Such cases relate to locations which have good access to other means of travel than the private car, or where the collective or dual use of parking space affords a more intensive use of available parking space. In particular, this applies to the Borough's main public transport corridors (bus and Metrolink) and to the town and district centres. In terms of public transport and pedestrian access, the site lies approximately 1km away from both the train and bus stations and this is widely considered to be acceptable walking distance for a commute.

Parking standards for industrial uses require the following:

B2 Industrial - Staff/Visitor Provision Employees - 1 space per 3 employees, or 1 space per 50 sq. m. Visitors - 1 space per 465 sq. m.

B8 Warehousing and storage - Staff/Visitor Provision Employees - 1 space per 3 employees, or 1 space per 230 sq. m. Visitors - 1 space per 465 sq. m.

For the new building at 465 sq.m, the requirement is approximately 10/11 spaces for general industrial use. These proposals include 7 external spaces and 3 further spaces within the building. The applicant has carried out a parking survey of the area and the current tenants within Britannia Mill and consider this sufficient provision for the proposed future use.

The proposal is considered to be acceptable on terms of access and parking and complies with UDP Policy HT2/4 Parking and New Development.

**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 numbered A3568/PL01, PL02, PL03, PL04/b, PL005/a, PL06/b, PL07a, PL08 and PL09 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 Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.  
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation 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.
- 5 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.
- 6 Following the provisions of Condition 5 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.

- 7 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 abutting the site in the event that subsequent remedial works are required following construction of the development, works to the site boundary and as a result of statutory undertakers connections to the site;
  - Access point(s) for construction traffic from the adopted highway at and all temporary works required to facilitate access for ground works/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;
  - 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 or on land within the applicant's control 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;
  - If proposed, site hoarding/gate positions clear of the adequate visibility splays at the junction of the site access with Samuel Street, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
  - Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of 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.

- 8 Notwithstanding the details shown indicatively on the approved plan reference A3568-PL09, no development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to, and agreed with, the Local Planning Authority:
- Measures to ensure that adequate levels of visibility are provided at the back of the Samuel Street footway to ensure that emerging vehicles can see and be seen by pedestrians on the adjacent footway;

- Formation of the proposed accesses alterations/footway works on Samuel Street to an industrial specification to be agreed, incorporating the removal of part of the boundary wall shown/further extents required to comply with the above, a height restriction barrier of a height that restricts delivery/service vehicles to 'Transit van' sized vehicles with foundations that do not extend under/adversely affect the existing adopted highway, segregated pedestrian facility with inward opening gate, demarcation of the limits of the adopted highway and all associated highway and remedial works required as a result of the proposed development;
- Scheme of surface water drainage works if required to supplement the permeable tarmac hardstanding material proposed and to ensure that surface water will not be discharged from the site onto the adjacent adopted highway;
- The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority with all highway works completed prior to the development hereby approved being occupied/brought into use.

Reason. To maintain the integrity of the adopted highway in the interests of highway safety pursuant to UDP Policy EC4/1 Small Businesses, EC6/1 - New Business, Industrial and Commercial Development and HT2/4 Car Parking and New Development.

- 9 The car parking indicated on the approved plans, incorporating the 'elongated' spaces shown in order to facilitate 'Transit van' sized vehicles, 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 is available for use, in the interests of road safety pursuant to UDP Policy HT2/2 Car Parking and New Development.

- 10 The turning facilities indicated on the approved plans shall be provided and demarcated 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 and ensure that the turning facilities are not obstructed by parked vehicles pursuant to UDP Policy EC6/1 - New Business, Industrial and Commercial Development.

- 11 The bin storage arrangements indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development hereby approved is brought into use and thereafter be maintained available for use at all times.

Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety Pursuant to UDP Policy EC6/1 - New Business, Industrial and Commercial Development.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 26/05/2022  |                         |             |