

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 03/02/2025	Ref: 71124/FUL
Registration: 09/12/2024	LDFC: 03/01/2025	Expiry Date: 03/02/2025
Site Visit: 19/12/2024	Site Notice: 19/12/2024	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use to dog day care centre (Sui Generis)

Location: Unit 1b, Jubilee Works, Vale Street, Radcliffe, Bolton, BL2 6QF

Description

The application relates to a 262 sqm industrial/commercial unit which is one of a number of units located within the industrial setting of Jubilee Works.

There are internal vehicular routes within the site with parking areas to the frontages of some of the units together and parking along the perimeter of the site.

Access to the site is at the south west corner from Vale Street.

The Jubilee Works building is constructed of part brick part cladding and the front of the proposed unit is located on the western side of the building. Like all the units within the building it has a large roller shutter opening and a pedestrian doorway.

Surrounding the site is a Public Right of Way to the east, beyond which is the Green Belt and Landscape Character Area, to the north is a reservoir and to the west is Blackshaw Brook beyond which is Meadow Business park which is in Bolton.

The application seeks the change of use of the unit to a dog day care centre.

The proposed use would be fully contained within the unit which would provide areas comprising 3 separate dog areas, staff room, office, welfare facilities and reception.

There would be a total of 10 parking spaces, 4 located directly outside the unit and 6 spaces opposite next to the site boundary.

The application states that the unit would operate at the following times -

Monday to Friday 7am to 7pm

Saturday 8am to 2pm

Sunday 10am to 2pm.

Relevant Planning History

N/a.

Publicity

Letters sent on 19/12/24

No responses received.

Following a site visit on 19/12/24, it transpired the incorrect unit had been indicated on the submitted red edge location plan and site plan.

Plans were subsequently revised and neighbours re-notified by letter on 10/1/25.

No responses received.

Statutory/Non-Statutory Consultations

Licensing - Animal Health - No response received.

Environmental Health - Pollution Control - Require a noise management plan to be implemented as highlighted in the noise assessment.

Waste Management - No response received.

Traffic Section - No objection subject to condition to provide the parking as indicated on plan.

Borough Engineer - Drainage Section - No response received.

United Utilities (Water and waste) - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-C8	Transport Requirements of New Development

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

The proposed unit is located within an industrial and commercial setting but is not an allocated Employment Generating Area under the Bury UDP allocations.

The proposed use is a sui generis use and does not fall within any specific use class.

There are a variety of different uses operating out of Jubilee works including manufacturing businesses, a motorbike showroom, car repairs and offices, some where members of the public would visit, some providing services and others operating purely as an industrial unit or manufacturing unit.

It is therefore considered that as a principle, the proposed development would be an acceptable use within this industrial and commercial setting and would comply with policy EC4/1 and EC6/1 which considers factors including computability within the surrounding area, scale, access and parking problems, boundary treatment, effect on neighbouring properties, and safety of employees and visitors.

Noise impacts

A Noise Impact Assessment has been carried out and the findings submitted to the LPA. In respect of operational noise breakout from the site the initial assessment indicated a low impact to the closest noise sensitive receptor. However, the report considered it prudent to incorporate measures to reduce potential noise impact further and recommends that a Noise Management Plan (NMP) be drafted so that effective management of patrons and their dogs can be conducted.

The Noise Report suggests that the NMP be drafted to consider management controls, dog screening, the removal of unsuitable dogs, building good neighbourhood relationships and implementation of a complaints procedure.

The EH Pollution Control Section have been consulted and raise no objection and recommend a condition for the submission of the NMP prior to the first use of the building.

The applicant has confirmed agreement to the condition.

The site is located within an industrial and commercial setting where there are other noise associated uses and where there would be activity and frequent comings and goings from deliveries and members of the public for example. The proposed use would operate during the daytime which would be similar to other units on the industrial estate.

It is therefore considered that the proposed development would not have an adverse impact on the adjacent and neighbouring units and with the NMP in place would be acceptable and

comply with EC4/1, EC6/1 and EN7/2.

Parking

The unit would provide 10 parking spaces, 4 located directly in front of the unit and 6 opposite. There is parking allocated to most of the units and areas to park around the industrial estate.

There was no evidence of parking issues within this area when the site was visited.

The use would be one such that patrons would drop off and pick up their dogs and is not one where long term stays would be required and it would be likely that trips would be staggered at different time of the day.

It is therefore considered that the proposed parking would be acceptable and comply with Policy HT2/4.

Carbon and energy

The applicant has submitted a statement which sets out certain initiatives to help improve their carbon footprint which includes switching to a green energy supply, install LED lighting and other energy efficiencies into the fabric of the building, promote sustainable travel modes and operate a waste recycling policy.

It is considered the proposed development would comply with policy JP-S2.

Digital connectivity

The unit would operate similar to the other units within Jubilee works in terms of digital connectivity and broadband provision.

As such it is considered the proposed development would be acceptable and comply with policy JP-C2.

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 n-
Proposed site layout including parking 24.009.01 (7-) rev A received 10/1/25
Proposed red edge plan and proposed layout 24.009.01 (7-) rev A received 10/1/25
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 and Places for Everyone Joint Development Plan listed.

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- 3 The car parking indicated on the approved plans shall be demarcated and made available for use prior to the use hereby approved commencing 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 Prior to the first use of the development hereby approved, a noise management Plan (NMP) shall be submitted for approval. The NMP should include considerations detailed in chapter 6 of the Noise Impact Assessment ref:P7891-R1-V1 Version 1. The agreed measures shall thereafter be implemented and maintained for the duration of the development.
Reason. In the interests of amenity and to ensure the implementation of effective management controls for the proposed use pursuant to Policies EN1/2, EC6/1 and EN7/2.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	3/2/25	DM	03/2/25