

DELEGATED REPORT

Report by Claire Booth	Date of report: 16/10/2024	Ref: 70921/FUL
Registration: 24/07/2024	LDFC: 15/08/2024	Expiry Date: 18/09/2024
Site Visit: 06/08/2024	Site Notice: 06/08/2024	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: MIOT

Proposal: Demolition of part of engineering workshop building (Class E) and erection of workshop building for classic car restoration (E1) in association with existing garage

Location: Sheet Metal Works, 49 Bury Road, Radcliffe, Manchester, M26 2UG

Description

The application relates to an end commercial building attached to a short parade of other commercial buildings and adjacent to other commercial buildings located on Bury Road, approximately 250 metres north of its junction with Spring Street, Radcliffe.

As well as the application site being attached to three commercial units, there are two more commercial buildings located to the west of the application site and a commercial unit to the rear of the buildings fronting Bury Road which is accessed between the gable of the application site and no.51 Bury Road.

The site is within the Urban Area, as defined within the Unitary Development Plan and is an unallocated employment site.

The application site is a single storey steel portal frame building attached to a single storey red brick building. The building is currently vacant and is in a fairly poor state of repair.

Planning permission is sought to demolish the existing building(s) and replace it with a steel portal framed building. It would be laid out in an inverted 'L' shape. It would have maximum width of 12.1 metres and be approximately 16.2m wide. The rear elevation would be staggered, with a minimum width of approximately 7.7 and a maximum width of approximately 12.1. The proposed building would have an eaves height of approximately 3.0m and a ridge height of approximately 6.0m.

The application is accompanied by a Materials Schedule indicating that the proposed building seeks to be clad with Ivory coloured tin sheeting and the roof would be covered with slate coloured roofing sheets.

Between the front of the existing and proposed unit and the adopted highway is an area used for parking approximately 4 cars. There is also an area at the rear where another vehicle can park.

The unmade parking area at the front of each of the commercial uses operating within the units to which this site adjoins would not be compromised by the proposed development.

Relevant Planning History

N/A

Publicity

The application proposal has been advertised by Site Notice erected on a lamp post.

Neighbouring businesses have also been notified of the proposals by letter.

No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to a pre-commencement condition requiring a Construction Management Plan

Environmental Health - Contaminated Land - No objections

Environmental Health - Commercial Section - No comments or observations received

Environmental Health - Pollution Control - No comments or observations received

United Utilities (Water and waste) - No objections

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

Greater Manchester Ecology Unit - No objections, subject to conditions requiring bird nesting boxes to be secured by condition.

Electricity North West Ltd - No comments or observations received.

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

Development Plan and Policies

EC2/2	Employment Land and Premises
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
JP-C2	Digital Connectivity
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
NPPF	National Planning Policy Framework

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 of Development

UDP Policy EC2/2: Employment Land and Premises Outside the Employment Generating Areas' seeks the retention of existing employment premises. The use of the existing building as an employment generating site is established and the proposal seeks to replace the existing buildings which are partly in a state of disrepair, with the traditional brick built element not suitable for its intended light industrial processes (Use Class E. g. iii) use. The proposed replacement building is therefore acceptable in principle.

Ground Conditions

The site currently comprises a small engineering unit which was once part of a larger engineering works (now split into three units). Historically the building has been in use as an Iron Works (c1930), Ventilation Engineering Works (c1957), Sheet Metal Works and currently as part of the adjoining MOT, car servicing and repair business. Geology at the site comprises river terrace deposits overlying middle coal measures, a secondary aquifer. It is not in a radon affected area.

Whilst this is not a sensitive end use, the site has a long history of potentially contaminative use. As such, it is recommended that a watching brief be carried out during excavation and construction works and this section be contacted should any contamination be encountered. It is recommended that photos are taken during works to support a written submission prior to first use. It is recommended this be secured by planning condition.

Design and Visual Amenity

The replacement building will result in a visual enhancement to the group of similar buildings and this part of the street scene in which the property is located. The proposed materials also reflect the materials and colours of the building in this row of units. The proposal therefore accords with UDP Policy EN1/2: Townscape and Built Design.

Impact on neighbouring businesses

Paragraph 193 of the NPPF advises that Planning decisions should ensure that new development can be integrated effectively with existing businesses and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and where they do, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Once the proposed replacement building has been erected, the proposed use, which will be a use in association with the existing repair garage, the proposal would not cause unreasonable restrictions on neighbouring businesses, and therefore the proposal accords with the requirements of paragraphs 193 of the NPPF.

Impact on neighbouring residents

The nearest neighbours reside in a building called 'Hawthorne Apartments' which a neighbouring business building (47 Bury Road Works) abuts which is approximately 18.5m to the south of the application site. The replacement building will fall in the same use class (E(g)(iii) Industrial processes as the building it would replace. Such uses are classed as being uses which can be carried out in residential area without detriment to its amenity. The proposal is therefore acceptable in this regard.

Parking and Highway Safety

The existing building has a frontage which can accommodate parking for 4 vehicles. An additional vehicle can also park within the yard to the rear, hence the continued staggered rear elevation of both the existing and proposed building.

The Traffic/ Highways section have requested conditions relating to a Construction Traffic Management Plan, and that conditions be imposed securing that the indicated car parking, the pedestrian access improvements, refuse storage and access arrangements. Such conditions are thus duly recommended.

Biodiversity

A Daytime Bat Survey and Ecological Assessment carried out by ERAP (Consultant Ecologists) Ltd accompanies the application. No bats or protected species were found on site. The assessment also explains that due to the nature of the site, the proposal would be exempt from the mandatory 10% Biodiversity Net Gain. GMEU have no reason to disagree with the conclusion reached.

Notwithstanding the above, the NPPF requires development to result in net gains to biodiversity. The recommendations in Section 5.2 of the submitted report aim to secure measurable gains for biodiversity to satisfy the requirements of the National Planning Policy Framework (NPPF) and best practice in the form of lighting and bird nesting provision. The recommendations within 5.3 relating to protection of nesting birds also accords with the requirements of the Wildlife and Countryside Act 1981. These mitigations will be secured by planning conditions.

Energy Efficiency

PfE Policy JP-S2: 'Carbon and Energy' seeks Greater Manchester to become carbon neutral by 2038. As an interim measure, it states development should be consistent with the 2022 Part L Building Regulations. The agent has confirmed that that Building Regulations approval will be sought and thus the requirements of this part of the Policy will be achieved.

The proposals also indicate that solar panels will be installed on the roofslope of the building. The proposal is therefore considered to accord with the requirements of PfE Policy JP-S2.

Digital Connectivity

Policy JP-C2: Digital Connectivity seeks to support affordable, high quality, digital

infrastructure in the form of providing full fibre broadband to premises. The applicant owns Bury Road Garage and utilised broadband and has advised that Fibre broadband will be utilised when it arrives in this part of Radcliffe. The proposal thus accords with this policy.

Conclusion

The proposal seeks to replace an existing building which is somewhat dated with a visually and functionally appropriate building which will continue to operate in the same Class E(g)(iii) 'Industrial processes' and where existing car parking provision is deemed to be acceptable.

Given the above, and subject to the recommended planning conditions being imposed, the proposal would be compliant with the above stated UDP policies, PfE Policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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 and documents:

Drawing Ref. Location Plan - UK Planning Maps;
Drawing no. HALL/08: Proposed Site Plan;
Drawing no. HALL 01/03B: Proposed Plan;
Drawing no. HALL01/05: Existing and Proposed Front Elevation;
Drawing no. HALL 01/04: Proposed Rear and Side Elevations;
Drawing no. HALL 01/06A: Proposed Roof Plan;
Drawing no. HALL09: Site Entrance Detail;
Drawing no. HALL01/10: Proposed Gate;
Document Ref. Materials sheet - BRG application for replacement workshop; and,
Document Ref. Daytime Licensed Bat Survey and Ecological Assessment, dated September 2024, carried out by ERAP (Consultant Ecologists) Ltd Reference: 2024-194

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

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, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the site;

2. Access route for all demolition/construction vehicles to the site from the Key Route Network;
3. Access point/arrangements for demolition/construction traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to adjacent commercial premises and all temporary works required to facilitate access for demolition/construction vehicles;
4. Hours of work for site preparation, delivery of materials and construction and number of vehicle movements;
5. Arrangements for the parking of vehicles for site operatives and visitors on land within the applicant's control, together with storage on site or on land within the applicant's control of demolition/construction materials;
6. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant and materials;
7. Details of the siting, height and maintenance of any security hoarding of the adopted highway and visibility splays at the junction of the existing site access with Bury Road that need to be retained;
8. The provision, where necessary, of temporary pedestrian facilities/protection measures within the curtilage of the site;
9. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
10. Arrangements for the provision of wheel washing facilities for vehicles accessing the site;
11. 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 control the emission of noise, dust and dirt during construction;
12. A scheme for recycling/disposing of waste resulting from construction works.

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.

Reason: To mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, 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 and Policy JP-C8: 'Transport Requirements of New Development' of the Places for Everyone Joint Development Plan.

- 4 The development hereby approved shall not be brought into use until two House Sparrow terraces have been installed beneath the eaves on the western elevation of the building hereby approved as recommended in paragraph 5.2.11 of the ERAP Ecological Assessment (July 2024) submitted with the application. The House Sparrow terraces shall thereafter be retained for the duration of the development.

Reason: In order to minimise the developments impacts on local wildlife populations and secure enhancements to biodiversity, in accordance with Policies EN6/3: Features of Ecological Value and EN6/4: Wildlife Links and Corridors of the Bury Unitary Development Plan, Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint 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 in the approved Materials Sheet accompanying the application.

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 EN2/1: Townscape and Built Environment of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 6 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 180(f), 189 and 190 of the National Planning Policy Framework (December 2023).

- 7 The pedestrian access improvements, refuse storage, and access arrangements to be provided within the curtilage of the site shall be 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: In the interests of pedestrian safety, in accordance with Policy HT6/1: 'Pedestrian and Cycle Movement' of the Bury Unitary Development Plan and Policies JP-C1: 'An integrated Network' and JP-C8: 'Transport Requirements of New Development' of the Places for Everyone Joint Development Plan.

- 8 The car parking and servicing facilities indicated on the approved plans 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 and to minimise the standing and turning movements of vehicles on the highway, in the interests of road safety, in accordance with Policy JP-C8: 'Transport Requirements of New Development' of the Places for Everyone Joint Development Plan.

- 9 Bin storage arrangements shall be provided within the curtilage of the site in

accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

Reason: To ensure that adequate bin storage arrangements are provided within the curtilage of the proposed development, in accordance with Policy EN1/2: 'Townscape and Built Design' of the Bury Unitary Development Plan, Policy JP-C8: 'Transport Requirements of New Development' of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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) Industrial processes 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 Policy EC2/2: Employment Land and Premises Outside the Employment Generating Areas 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	16/10/24	DM	16/10/24