

DELEGATED REPORT

Report by Helen Leach	Date of report: 12/01/2022	Ref: 67743/FUL
Registration: 30/11/2021	LDfC: 11/01/2022	Expiry Date: 25/01/2022
Site Visit: 17/12/2021	Site Notice: 17/12/2021	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: MIOT

Proposal: External alterations to existing building consisting of insertion of a door and windows

Location: Burrs View, Touch Road, Bury, BL9 5QS

Description

The application site relates to a building, which is located in a field off Touch Road. The building located to the east of the field next to a bank of trees. The building is constructed from metal sheeting and there is a hardcore track leading to the building from Touch Road.

There are residential properties to the west and there are open fields to the north. There is a bank of trees to the east and south with an open field beyond.

An application to change the use of the agricultural building to office use was deemed acceptable on 1 December 2021.

The proposed development involves the external alterations to the building consisting of an insertion of a door and windows.

Relevant Planning History

67855 - Notification of flexible change of use from agricultural building to office use including storage (The Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 3, Class R - agricultural buildings to a flexible commercial use) at Burrs View, Touch Road, Bury. Acceptable change of use - 1 December 2021.

Publicity

The neighbouring properties were notified by means of a letter on 30 November 2021 and site notices were posted on 17 December 2021.
There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development

SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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) 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.

Design and layout - The proposed development involves the installation of two doors in the north and east elevations and 10 large windows and 2 smaller windows across all 4 elevations.

The proposed larger windows would relate to the offices and store/board room and the two smaller windows would relate to the kitchen and windows. The proposed openings would be

suitably aligned and would have a vertical emphasis. As such, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies OL1/2, EN1/1 and EN1/2 of the Bury Unitary Development Plan.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 Locaion plan - 1:5000, Location plan - 1:1250, C286, C286-1 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 12/01/2022			