

DELEGATED REPORT

Report by Helen Leach	Date of report: 24/11/2022	Ref: 68738/FUL
Registration: 08/09/2022	LDfC: 12/10/2022	Expiry Date: 03/11/2022
Site Visit: 21/09/2022	Site Notice: 21/09/2022	Press Date: 22/09/2022
Objections: 0	Con Area: N/A	Adv Type: MD
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of from call centre office (Class E) to a flexible use comprising of a warehouse distribution centre (Class B2/B8) with ancillary offices; Creation of new site access/entrance with sliding security gates, service yard and vehicle/cycle parking; External alterations including new loading/delivery doors to north elevation

Location: Cellnet Building, Dumers Lane, Bury, BL9 9QL

Description

The application site contains a large building and car park and is located off Dumers Lane. The site is allocated as employment land and forms part of an Employment Generating Area (EGA). The building is constructed from brick with cladding and was last used as a call centre and contains a mezzanine floor. There was a multi storey car park on site, but this has been demolished recently. The site is accessed from the existing access road from Dumers Lane.

There are industrial buildings to the north, east and west and residential properties to the south on York Street.

The proposed development involves the change of use of a former call centre (Class E) to a warehouse distribution centre (Class B2/B8) with ancillary offices. The proposal also involves external changes to the building to provide loading/delivery doors to the north elevation, the provision of a new site access/entrance with sliding gates, the provision of a service yard and car park.

Relevant Planning History

68468 - Prior approval for demolition of Single and two storey car park and four free standing plant room buildings to enable future redevelopment plans for the wider site at O2, Dumers Lane, Bury. Prior approval required and granted - 29 July 2022

Publicity

The neighbouring properties were notified by means of a letter on 13 September 2022 and a press notice was published in the Bury Times on 22 September 2022. Site notices were posted on 21 September 2022.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access arrangements, turning facilities and car parking.

Environmental Health - Pollution Control - No objections.

United Utilities - No response.

Waste Management - No response.

The Coal Authority - No objections, subject to the inclusion of an informative relating to

coal mining.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT2/7	Lorry Parking
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD14	Employment Land and Premises
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.

Principle - The proposed development involves the change of use of the building from a call centre to warehousing/distribution.

Policy EC1/1 states that the site has been identified for business (E), general industrial (B2) and warehousing uses (B8). Development for other business and industrial uses will only be permitted in exceptional circumstances and in accordance with other policies and proposals of the plan.

Policy EC2/1 states that in the defined Employment Generating Areas (EGAs), the Council will only allow development for the uses specified. Other uses will only be permitted where they constitute limited development or do not substantially detract from an area's value as an EGA.

The proposed change to warehousing (Class B8) would comply with the uses identified for the employment site and EGA. Part of the building would be retained in office use, but these would be ancillary to the main use of warehousing. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies EC1/1 and EC2/1 of the Bury Unitary Development Plan.

Design and layout - The proposed development would create 6 roller shutter doors in the location of the two large windows on the north elevation. The proposed development would have a minimal impact upon the design and character of the building and would be considered acceptable.

On the southern elevation, the two large windows would be infilled with brickwork, which would not impact upon the character of the building.

On all elevations, the existing cladding would be coloured pale grey with sections of dark grey cladding and the glazing frames and banding would be coloured dark grey. The proposed changes would create a uniform colour scheme and would not be a prominent feature in the streetscene.

The proposed development would involve the installation of two sliding gates on both of the proposed accesses. The proposed gates would be black with a paladin fencing insert and would not be a prominent feature in the streetscene.

Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2 and EC3/1 of the Bury Unitary Development Plan.

Impact upon residential amenity - There are residential properties to the south of the site, which are located on the opposite side of the river on York Street.

The proposed development would involve the blocking up of the two large glazed windows on the southern elevation and the retention of 4 fire escape doors and the existing windows that serve the offices. The proposed development would be between 59 and 63 metres away, which would exceed the aspect standards in SPD6. As such, the proposed development would not have an adverse impact upon amenity of the neighbouring properties in terms of loss of light and privacy. Therefore, the proposed development would be in accordance with Policies EN1/2 and EC3/1 of the Bury Unitary Development Plan.

Noise - The proposed development would be between 59 and 63 metres away from the residential properties on York Street with the River Irwell and York Street between the two. The only openings on the southern elevation would be 4 fire escape doors and the windows, which serve the existing office. Given the distance, it is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring properties in terms of noise. In addition, the noise survey submitted with the application concludes that the level of noise from the site would be low enough at the residential dwellings to accord with the 'No observed adverse effect level' and as such, noise should not be deemed a determining factor when assessing this application. The Pollution Control Section have no objections to the proposal. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be accessed from the existing access road from Dumers Lane. The existing vehicular access to the north of the building would be blocked up and a new access provided further north for exiting the site. A second new access would be provided opposite the Sambro building for vehicles entering the site. The level of visibility would be appropriate and the tracking details indicate that a HGV would be able to enter and leave the site. Details of road markings and signage to formalise the new access arrangements have been received. The Traffic Section has no objections, subject to the inclusion of conditions relating to access arrangements, turning facilities and car parking.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and EC3/1 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards for a B2 use are 1 space per 60 square metres, which equates to 92 spaces

SPD11 states that the maximum parking standards for a B8 use are 1 space per 100 square metres, which equates to 55 spaces.

SPD11 states that the maximum parking standards for a Class E (g) office are 1 space per 40 square metres, which equates to 44 spaces

If the main building was to be used for B2 use with ancillary offices, this would equate to 136 spaces and if the main building was to be used for B8 use with ancillary offices, this would equate to 99 spaces

The proposed development would provide a total of 133 spaces. The proposed parking provision would be 3 spaces less than the maximum for a B2 use. Given the sustainable location of the site with good access to public transport, the level of parking provision would be acceptable. The proposed development would exceed the maximum parking standards for a B8 use. But given the mixed use element of the proposal, the level of parking provision would be acceptable in this instance. Therefore, the proposed development would be in accordance with Policies EC3/1, EN1/2 and HT2/4 of the Bury Unitary Development

Plan and SPD11.

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 11392 EX L01 D, 11392 EX L02 A, 11392 EX P02, 11392 EX P03, 11392 EX P04, 11392 EX P05, 11392 EX E02, 11392 PL L01, 11392 PL L02, 11392 PL E01, 11392 PL P01, 11392 PL P02, 11392 PL P03, 11392 01 E 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 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The revised vehicular access arrangements, turning facilities and refuse collection arrangements within the curtilage of the site indicated on the approved plans, incorporating appropriate entry/exit signage and road markings shown indicatively on approved plan reference J32-6839-PS-003, shall be provided before the use hereby approved commences and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To secure the satisfactory development of the site in terms of highway safety and to minimise the standing and turning movements of vehicles on the private access road/highway, in the interests of road safety pursuant to Policy EC3/1 - Measures to Improve industrial Areas of the Bury Unitary Development Plan.
- 5 The car parking indicated on the approved plans shall be surfaced, 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 24/11/2022			