

DELEGATED REPORT

Report by Helen Leach	Date of report: 02/11/2022	Ref: 68671/FUL
Registration: 30/08/2022	LDfC: 27/09/2022	Expiry Date: 25/10/2022
Site Visit: 29/10/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Alterations to existing windows/doors; Installation of new first floor window openings to front elevation to form first floor office and Remodel internal existing offices/reception area

Location: RRG KIA Service Centre, Wellington Street, Bolton Road, Bury, BL8 2AX

Description

The site contains a commercial building, which is in use as a service centre for Kia Motors. The building is constructed from metal cladding with a pitched roof. There are car parks to the front and rear of the building and the site is accessed from Wellington Street.

There is a lodge to the south, with commercial buildings beyond. There are commercial buildings to all other boundaries.

The proposed development involves external alterations to the front of the building to create a first floor office and remodelling of the internal office/reception area.

In terms of external changes, these involves amendments to the existing windows and doors at ground floor and the installation of 4 new windows at first floor level.

The remodelling of the internal office/reception area involves solely internal changes.

Relevant Planning History

52325 - 1 x Internally illuminated fascia sign; 1 x Non illuminated 2 metre sign mounted on wall; 2 x Folded white diabond tray signs at RRG Aftersales, Wellington Street, Bury. Approved with conditions - 20 April 2010.

54179 - 1 No. internally illuminated fascia sign; 2 No. non-illuminated wall mounted signs; 1 No. non-illuminated totem sign at RRG KIA, Wellington Street, Bury. Approved with conditions - 12 August 2011

56446 - 1no. Internally illuminated fascia sign at Elton Garages Ltd, Wellington Street, Bury. Approved with conditions - 31 July 2013.

Publicity

The neighbouring properties were notified by means of a letter on 5 September 2022. There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EC3/1 Measures to Improve Industrial Areas

EN1/2 Townscape and Built Design
EN7/2 Noise Pollution
HT2/4 Car Parking and 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) 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 would involve the ground floor windows being increased in size to create 4 large openings in a modern style. The proposed amendments would be appropriate in size and scale to the building and would not be a prominent feature in the streetscene.

The proposed development involves the installation of 4 windows at first floor level, which

would serve the proposed office. The proposed windows would be appropriately aligned and would be appropriate in size and scale to the existing building. The proposed additions would not change the character of the existing building and would not be a prominent feature in the streetscene.

Therefore, the proposed development would be acceptable and would be in accordance with Policies EN1/2 of the Bury Unitary Development Plan.

Impact upon wider area - The proposed openings on the front elevation would overlook the existing car park and Arthur Street. As such, the proposed development would not have an adverse impact upon the amenity of the occupiers of the neighbouring buildings. Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would not impact upon the existing access arrangements and parking provision. As such, the proposed development would not be detrimental to highway safety and would be in accordance with Policy 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 M18-47-LP, M18-47-EX, M18-47-BP 01, M18-47-02 08, M18-47-03 05 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 02/11/2022			