

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 09/03/2023	Ref: 69349/NON
Registration: 14/02/2023	LDfC:	Expiry Date: 14/03/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIMW

Proposal: Non-material amendment following grant of planning permission 68744: Change to the dimensions of the approved security entrance gate and the associated realignment of the entrance kerb

Location: Land adjacent to junction of Pilsworth Road/Pilsworth Way, Pilsworth Industrial Estate, Bury, BL9 8RE

Description

The site relates to an established commercial use which is located within Pilsworth Industrial estate and Employment Generating Area under policy EC2/1 of the UDP. The site is surrounded by similar industrial/business units to the north and east, with a medical centre and pharmacy beyond a bank of trees to the west and a block of residential flats opposite the site to the south.

The site comprises 25 units within 3 buildings which are located in two rows. One row (building 2 and 3) fronts Pilsworth Road and comprises 13 units and the other is formed to the rear of the site (building 1) along the northern boundary for 12 smaller units. The units are typical workshop/industrial in appearance of vertical cladding.

An application ref 68744 was approved in November 2022 for extensions to 13 of the existing units and the erection of 3 new build units and refurbishment to re clad and provide new signage to all the units. The parking was to be formalised to the front of each unit and new sliding gate to the entrance provided.

This application seeks an amendment to the width of the entrance gate and the associated realignment of the kerb.

The approved gate width was 11.065m and the proposed gate width is 10m. The kerb would be realigned and moved 200mm at the site entrance.

The application has been submitted as a non material amendment.

Relevant Planning History

68744 - Extensions to 13 existing units; Erection of 3 new build units; External alterations (including comprehensive recladding) and associated access, parking, servicing, security treatment and landscaping arrangements - Approved 24/11/22

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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

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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.

Layout and access

The proposed new gate would be located in the same position as previously approved, but reduced in width from 11.065m to 10m. This would require the kerb to be moved approx 200mm to realign with the position of the gate and site access.

The proposed amendment would not fundamentally change the layout or access to the site or the character or appearance of the previously approved development.

The proposed amendment is considered to be minor and therefore acceptable as a non material amendment to the approved scheme ref 68744.

Recommendation: Approve

Conditions and Reasons:

The proposed amendment to the width of the gate and alignment of the kerb would not affect the character of the originally approved scheme and there would be no adverse impacts on the appearance, access or layout of the development. The development would still be in accordance with the principles of the planning permission reference 68744 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	9/3/23	DM	09/03/23