

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/12/2021	Ref: 67738/FUL
Registration: 01/11/2021	LDFC: 02/12/2021	Expiry Date: 27/12/2021
Site Visit: 26/11/2021	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: Formation of 4 no. openings to facilitate the installation of 3 no. windows at first floor level and 1 no. window at ground floor level.

Location: 3-D, Unit D3, Chamberhall Business Park, Harvard Road, Bury, BL9 0ES

Description

The Chamberhall site is located to the north of Bury Town centre and extends a total of 6.9 hectares in area. It is bounded to the north and west by the River Irwell, to the south by Dunster Road and to the east by Castlecroft Road and Gordon Street. A riverside walkway and cycle path runs along the River Irwell to the west and around the site to the east.

Planning permission was granted for the Chamberhall site for the comprehensive redevelopment of the site as a new employment and mixed use destination.

The site was to come forward in 2 phases - Phase 1 to be located in the northern part of Chamberhall, phase 1a to the west adjacent to the River Irwell and phase 2 is the remaining area in the southern part.

The application was submitted as a Hybrid application with a view to securing full permission for phase 1 and outline for phase 2.

Phase 1 has now been completed and some of the units occupied.

This application relates to one of the units which is located in the middle of a block of similar units, which are known as Block D within the industrial park and which also share the same servicing yard with block a and Block E which are also of similar type units.

The application seeks the formation of 4 window openings - 3 no. at first floor level and 1 no. at ground floor in the front elevation.

the windows would be a grey aluminium type.

The openings are required to provide natural daylight and ventilation to the office space within the unit.

Relevant Planning History

63185 - Hybrid planning application comprising:

A full planning application for 5 buildings of up to 12,317 square metres to be used within Use Classes B1, B2 and B8 and associated works to include an access road, landscaping, car parking, servicing areas (Phase 1); and site preparation works, access, boundary treatments and associated works including engineering works (Phase 1a); and engineering works comprising site preparation works (Phase 2).

An outline planning application for development within Use Classes B1, B2 and B8 (Phase 1a) including details of access (all other matters reserved); and for development within Use Classes A1, A3, A4, A5, B1, B2, B8, C1 (hotel), D1 (creche) and D2 (gym), including details

of vehicular access (all other matters reserved) (Phase 2). Approved 7/2/21

64930 - Non-material amendment following grant of planning permission 63185:

To include the low level retaining wall to the landscape zone north west of block D -
Approved 23/12/2019

Publicity

Letters sent to 11 units at Chamberhall Business park on 10/11/21.

No responses received.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC1	Employment Land Provision
EC1/2	Land Suitable for Business (B1)
EC1/3	Land Suitable for Business (B1)
EC6	New Business, Industrial and Commercial Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways

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.

Visual amenity - The unit is located within an enclosed compound shared with other units of similar business/commercial/industrial types.

The proposed windows would be located on the front elevation and whilst the unit would be the first to install windows, they would be moderate in size and of a material which is in line with the business park colour scheme.

It is therefore considered the proposed openings would not be harmful to the quality or design of the unit or wider business park.

As such, the proposed development is considered to be acceptable and would comply with EN1/2.

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 Location plan 4321 01; Block plan 4321 02; E12866 - 12866-1-010-01; E12866 - 12866-010-02; E12866 - 12866-010-03; E12866 - 12866-010-04 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 comprise aluminium window frames Anthracite grey RAL 7016 and thereafter maintained.

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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>
JT	8/12/21	DM	09/12/2021