

DELEGATED REPORT

Report by Helen Leach	Date of report: 20/11/2020	Ref: 66094/FUL
Registration: 20/10/2020	LDFC: 20/11/2020	Expiry Date: 15/12/2020
Site Visit: 06/11/2020	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: MIMW

Proposal: Installation of over-clad roof system.

Location: Unit 12, Park Seventeen, Whitefield

Description

The application site contains a purpose built commercial building on the Park 17 industrial estate. The building is occupied by Finsbury Food Group, who are a major food producer. The building is constructed from stone pillars with a metal cladding and a flat roof. The site is accessed from Park Seventeen, which connects to Moss Lane.

There are residential properties to the south and the Metrolink line forms the boundary to the east with residential properties beyond. The Metrolink park and ride car park is located to the north and there are industrial buildings to the west.

The proposed development involves the installation of a new roof system over the existing roof. The existing roof has been repaired but is now failing and is no longer waterproof.

Relevant Planning History

41443 - Temporary portable building to provide office accommodation at Kara Foods, Park 17, Moss Lane, Whitefield. Approved with conditions - 8 December 2003.

Publicity

The neighbouring properties were notified by means of a letter on 29 October. There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
EC3/1	Measures to Improve Industrial Areas
EN1/2	Townscape and Built Design
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.

Visual amenity - The proposed development would result in the provision of a coping detail at the top of the building, which would increase the overall height by 200mm. This would be a minimal change given the overall height of 9.2 metres. As the building currently has a flat roof, the majority of the development would not be visible. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, EC3/1 and EC2/2 of the Bury Unitary Development Plan.

Highways issues - The existing parking and servicing would be unaffected by the proposed development.

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 421-001, 421-002, 421-004 A, 421-005 A, 421-006 A 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 be those stated on the application form.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 20/11/2020		DM	08/12/20