

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 14/03/2023	Ref: 68873/FUL
Registration: 05/10/2022	LDfC: 04/11/2022	Expiry Date: 30/11/2022
Site Visit: 31/10/2022	Site Notice: 31/10/2022	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Re-roof the existing roof covering of Unit 3 from slate to insulated metal cladding; External alterations to Unit 3/3A south east/south west elevations including new window/door openings and loading dock canopy; New external silos to south east elevation and external biomass hoppers and flues to Units 2, 3, 4 and 5

Location: Former Ashworth, Miller Street, Radcliffe, Manchester, M26 4AF

Description

The application relates to an existing industrial/employment site to the east of Higher Ainsworth Road. The site has evolved at different stages, resulting in a series of linked industrial units of varying scale and form across the site.

Parking for the site is located around the buildings with a larger car park and servicing area to the east of the site. Access to the site is taken from Miller Street, a short stretch of road which terminates approx halfway along the length of the northern boundary of the site.

The site is located off a busy main road which serves a number of uses in the area. To the north of the site is residential development, to the eastern boundary is Green Belt land and to the south is industrial/commercial development.

The latest extant planning permission to rationalise buildings and servicing arrangements at the site is presently being implemented.

The proposal is to re-roof the existing roof covering of Unit 3 from slate to insulated metal cladding; External alterations to Unit 3/3A south east/south west elevations including new window/door openings and loading dock canopy; New external silos to south east elevation and external biomass hoppers and flues to Units 2, 3, 4 and 5.

The application was amended to remove the flue and boiler for unit 3A.

Relevant Planning History

66543: Prior approval for proposed demolition of 1: Small single storey brick building to the north east of the site 2: Single storey brick warehouse building 3: Two Storey office building. Prior Approval Required and Granted 01/04/2021

67521: Demolition of 2 no. small industrial units and the development of 1 no. infill warehouse unit. Approve with Conditions 24/03/2022

Publicity

Advertised by site notice on 21/11/2022 and direct neighbour notification on 13/10/2022.

One representations received objecting to the proposal for the following reasons:

- The applicant has enough space in existing buildings;
- Neighbours had been told servicing would not be via Miller Street;
- Neighbouring amenity and highway safety has been affected by development of the site;
- Council tax should be reduced;
- Requests have been made to restrict parking on Miller Street;
- There is an existing noise impact that occurs 24 hours a day.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control: No comments received.

Environmental Health - Contaminated Land: No objection, subject to condition.

Traffic Section: No objection.

The Coal Authority: No objection.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
EN7/1	Atmospheric Pollution

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.

ASSESSMENT

Principle

Policy EC6/1 - Assessing New Business, Industrial and Commercial development expects development to be of a high standard of design and appearance, and take account of the surrounding environment and amenity.

The alterations are accepted in principle on this site subject to considerations of scale, design and appearance, effect on neighbouring properties and amenity of employees/visitors/nearby occupiers.

Visual amenity

Policy EN1/1 and EN1/2 state that proposals will not be permitted which would have a detrimental effect on visual amenity when viewed from the Green Belt and on the particular character and townscape of the Borough's towns and villages.

The site is an established employment site, having been in operation for circa 50 years. The proposed alterations would be of a commercial character and nature and would appropriately assimilate with the existing built form of this evolving and modernising employment site.

Residential amenity

The nearest properties would be those to the north of the site, across Miller Street.

There would be more than 35m between the nearest proposed additions/alterations and the nearest house, no. 7 Miller Street and more than 60m to no. 3 Miller Street, the next nearest dwelling. Flues would terminate no higher than 1.2m higher than existing eaves or ridge heights. Furthermore, all additions/alterations would be to elevations that would not oppose dwellings, but would relate to elevations opposing the eastern service yard (with open fields beyond) or neighbouring commercial development at the south.

The Environmental Protection Officer is satisfied that the emissions from the flues would be adequately mitigated by the imposition of a condition.

It is therefore considered that the proposed development would not be significantly harmful to the adjacent residential occupiers and as such would comply with EC6/2, EN1/2 and EN7/1.

Ecology

The prior approval 66543 was supported by an Extended Phase 1 Habitat Survey & Daytime Bat Survey dated January 2021. Therefore, at the time of the validation of this application, this survey was less than 2 years old and is therefore remains valid.

The survey found that buildings to be demolished (as part of the previous prior approval) were of negligible risk as part of a visual assessment of the entire complex in January 2021. In addition, units 2, 3 and 3a were assessed as negligible risk and GMEU concurred.

Other matters

The Coal Authority is satisfied that the nature and scale of the proposal would not justify a Coal Mining Risk Assessment.

The proposal would have no highway implications.

The objection refers to matters that don't relate to the application under consideration.

Conclusion

The development would not have any harmful impacts upon visual or residential amenity or protected species. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 (Dwg No. 20.173 001 E)
Proposed Site Plan (Dwg No. 20.173 005 N)
Proposed Elevations (Unit 3) (Dwg No. 20.173.003 005 D)
Proposed First Floor Plan (Unit 3) (Dwg No. 20.173.003 004 B)
Proposed Ground Floor Plan (Unit 3/3A) (Dwg No. 20.173.003 003 D)
Proposed Elevation/Section & Layout (Unit 2) (Dwg No. FIN - 106.3 A)
Proposed Elevation/Section & Layout (Units 2 & 3) (Dwg No. FIN - 106.1 A)
Proposed Elevation/Section & Layout (Unit 4) (Dwg No. FIN - 106.4 A)
Proposed Elevation/Section & Layout (Dwg No. FIN - 106.5 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 as detailed within the approved application particulars.

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 development shall be implemented and operated in full accordance with the following:

- Only the approved exempted appliances Froling P4 99kW, Froling T4e 130 kW and Propel 99kW boilers listed on the DEFRA approved list shall be installed and operated.
- The only fuel used shall be the wood pellets [Insert boiler types] and wood chips [Insert boiler types] which comply with BS EN ISO 17225.
- The appliances shall be installed, maintained and used in accordance with the submitted specifications and in accordance with installation and service manuals.
- Operation of the boiler shall not cause any odours to be present at the nearest odour sensitive property.

Reason. To protect the air quality in the locality pursuant to Policy EN7/1 - Atmospheric Pollution of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	14/03/2023	DM 15/03/23	