

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 07/12/2022	Ref: 68655/FUL
Registration: 09/09/2022	LDfC: 04/10/2022	Expiry Date: 04/11/2022
Site Visit: 26/09/2022	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: Provision of MOT facilities within existing vehicle Workshop together with the erection of a stand-alone Smart Repair building in the rear compound area.

Location: Walker Farrimond, Bell Lane, Bury, BL9 6DL

Description

The proposal relates to a car dealership located on Bell Lane, which is made up of a series of single storey, flat roofed buildings. It has an associated workshop building with a rear yard area with access from Villiers Street. The site is surrounded largely by commercial uses, with a small area of traditional housing at the rear at Potter Street.

The proposal is for the provision of MOT facilities within existing vehicle workshop together with the erection of a stand-alone Smart Repair building in the rear compound area.

The Smart Repair building would have a footprint of 7.57m x 5.66 and be 3.9m high (6.9m to the top of the flue). It would be finished with steel wall cladding (smooth leather grain finish in silver) and would be used for car body work, including paint spraying. Operating hours would align with those of the existing business (which are not limited by any planning permission), to 08:30 to 18:00 Monday to Friday, 09:00 to 17:00 on Saturdays and 10:00 to 16:00 Sundays.

Relevant Planning History

N/A

Publicity

Advertised by direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition relating to external parking areas.

Environmental Health - Pollution Control: No objection.

Environmental Health - Contaminated Land: No objection, subject to conditions relating to contamination, waste management and air quality.

United Utilities: No objection.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EC4/1	Small Businesses

S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
EN1/2	Townscape and Built Design
EN7	Pollution Control
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD14	Employment Land and Premises
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 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

Policy

UDP Policy S4/4 Car Showrooms, Car Sales Areas and Petrol Filling Stations sets out the criteria to assess the proposal: Traffic flow, parking, circulation and servicing, highway safety and residential amenity.

Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

Principle

The principle of the development is acceptable, given that the proposal is for complementary vehicle sales uses.

Layout and design

The site is occupied by utilitarian vehicle sales buildings that are passively routine in the wider commercial context. The MOT facility would be internal to the existing building and would not therefore have any visual impact. Whilst the proposed Smart Repair building would be functional in appearance, it would be positioned in the rear compound area which is bounded by 2.3m high palisade security fencing and would be largely backdropped by the existing workshop building. It would be of a modest scale and would be finished in complementary materials. In this context, the proposed building would not undermine existing visual amenity.

Residential amenity

The Smart Repair building would be overlooked from the rear of dwellings on the west side of Potter Street, at a distance of around 20m from rear yard boundaries. Further information has been supplied in relation to paint spraying operations and solvent volumes and following this, the Environmental Health Officer is satisfied that subject to stringent conditions relating to paint spraying operations, the proposal would not have any unacceptable impact on nearest neighbours.

Access and highways

The proposal would not alter the arrangements at the site in relation to parking or access. The proposed Smart Repair building would be positioned in the rear forecourt area and would off-set some vehicle storage. However, the area is informally laid and is occupied by vehicles awaiting/post attention in the workshop. Therefore, the proposed building would have a negligible impact on parking provision at the site.

The Highway Officer is satisfied that the proposal would not have any unacceptable impacts on the highway network.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

The development would not have any harmful impacts upon visual or residential amenity or highway safety. 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. TD6132_001_Rev A)
Proposed Site Plan (Dwg No. TD6132 110 P3)
Proposed Ground Floor Plan (TD6132 231 P3)
General Arrangement (Dwg No. PD 4681 Rev. A)
Proposed ATL Bays (Dwg No. 5312-4A)
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 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 The Smart Repair building hereby approved shall be designed to meet the emission limit for particulate matter in Regulations and be provided with a guarantee from the spraybooth constructor that a newly-installed booth will meet this emission concentration limit found in Table 4.1 of "Process Guidance Note 6/34(11), Statutory guidance for re-spraying of road vehicles Revised: July 2013", and the guarantee should be supported by emission test data for the spraybooth type to which the guarantee relates. Thereafter, all paint spraying operations should be carried out in a totally enclosed booth under negative pressure so as to prevent fugitive emissions of odour and particulate matter and spraybooths should be serviced and maintained in accordance with the manufacturers recommendations, so as to maintain the validity of the guarantee of emission concentration limit.
Reason. To protect dwellings from unacceptable levels of atmospheric pollution, pursuant to Policy EN7/1 of the Bury Unitary Development Plan.
- 6 The dedicated MOT and customer car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road

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safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	07/12/2022		