

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/09/2024	Ref: 71168/NON
Registration: 16/09/2024	LDFC:	Expiry Date: 14/10/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MAMW

Proposal: Non-material amendment following grant of planning permission 68699: amendments to proposed Block A with the addition of 12no windows to front (east) and side (north) elevations of Unit 01, addition of 2no. means of escape doors to rear (west elevation) and side (south) elevation, increase in cladding to rear (west) elevation and change in cladding colour from Pure Grey to Grey White

Location: Chamberhall Business Park, 1 Chamberhall Green, Bury, BL9 0AP

Description

The application relates to a piece of land which is part of the Chamberhall site. Chamberhall 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 which is a PRoW runs along the River Irwell to the west and around the site to the east.

The site is surrounded by a range of different uses, comprising industrial, commercial, office, residential and retail units. To the north beyond the River Irwell are industrial/manufacturing premises and there is a footpath connection over the River which leads to Woodhill Road and residential properties located to the west. To the east is Peel Mills Industrial Estate and to the south the site is bounded by and accessed off Peel Way, part of the ring road which runs around the main town centre.

There are 3 other buildings which are located within Chamberhall, the police station located to the south of the site, the fire station, directly adjacent to the application site to the east, and LGC, an office, laboratory and warehouse unit which is to the south west. These premises are all accessed off Peel Way and have their own site access, servicing and parking provisions.

The site falls within Flood Zones 2 and 3.

Planning permission was granted in 2019 for the redevelopment of the Chamberhall site to be delivered in a phased programme (Phase 1, 1A and 2).

Permission was granted in 2022 for the construction of 2 no buildings (Block A and B) comprising 5 units for B2 and B8 uses with associated offices on the phase 1A land which comprises 0.56 hectares (ref 68699).

A total of 32no. parking spaces (including disabled parking and EV chargepoints) in front of the units and a car park to the front of the site would serve the site and an HGV turning area would be located between the two building blocks. There would be cycle store provision and bin store facilities.

Elevations would comprise brickwork and light grey cladding panels and grey clad roofs. Roller shutter doors would be inserted to the front of each unit with glazed main entrances.

This application seeks amendments to Block A for 12 additional windows to the front (east) and side elevations (north), 2 no additional means of escape doors (west and south elevation), increase in cladding to the rear (west elevation) and change in cladding colour (pure grey to grey white).

The application has been submitted as a non material amendment to 68699.

Relevant Planning History

56827 - Proposed 2 storey office and warehouse (Class B1 (a) (b) and (c) and Class B8) including internal and external product display areas - Approve with Conditions 26/03/2014

59673 - Erection of VW car showroom with external display, compound and customer parking across two levels including workshop and valeting facilities - Approve with Conditions 02/06/2016

60586 - Proposed extension to existing facility to provide additional warehouse area (B8 / B2 use) with associated parking, landscaping and boundary treatments with new mezzanine floor added over existing warehouse to create new office area (B1 Use). - Withdrawn - Invalid 02/12/2016

61732 - Extension to existing facility to provide additional warehouse area (Class B8/B2 use) with associated parking, landscaping and boundary treatments with new mezzanine floor added over existing warehouse to create new office area (Class B1 use) - Approve with Conditions 25/10/2017

62721 - Variation of condition nos. 15 and 16 of planning permission 61732 to allow the existing drain to be constructed over in accordance with the submitted build over agreement and method statement (condition 16 to be amended to reference the updated drainage plan) - Approve with Conditions 08/06/2018

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 7/2/2019

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

65165 - Erection of builders merchant building (Class B1/B2/B8) and associated works - Approve with Conditions 03/09/2021

67738 - 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 - Approved 9/12/2021

68699 - Construction of 2no. Buildings comprising 5no. Units to be used within Use Classes B1, B2 and B8 with associated works including access, car parking and landscaping - Approved 16/12/22

Publicity

N/a

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Development Plan and Policies

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
EN5	Flood Protection and Defence
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9	Landscape
RT4/3	Visitor Accommodation
HT2	Highway Network
HT2/4	Car Parking and New Development
HT4	New Development
HT6	Pedestrians and Cyclists
HT6/1	Pedestrian and Cyclist Movement
HT6/2	Pedestrian/Vehicular Conflict
HT6/3	Cycle Routes
EC6/1	New Business, Industrial and Commercial
SPD11	Parking Standards in Bury
SPD12	Travel Plans in Bury
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

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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.

The majority of the new windows would be on the north elevation. Whilst this elevation would face a footpath and public right of way it is considered there would be minimal impacts to users of the footpath given the build would be set away from the boundary and there would be boundary treatment and some screening from tree planting.

The new doors would provide emergency access from the building which would be acceptable.

It is proposed to fully clad the west elevation instead of providing blue brick at the lower level and cladding above which is considered not to be significant or fundamentally change the appearance of the building.

Render to the external elevations would be a different shade of grey which is considered acceptable.

As such it is considered the amendments would be non material to the approved scheme ref 68699.

Recommendation: Approve

Conditions and Reasons:

The proposed amendments for the additional windows and escape doors and changes to the materials 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 planning permission reference 68699 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	30/9/24	DM	30/09/24