

DELEGATED REPORT

Report by Helen Leach	Date of report: 17/01/2023	Ref: 69194/NON
Registration: 21/12/2022	LDfC:	Expiry Date: 24/01/2023
Site Visit: 12/01/2023	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Non-material amendment following grant of planning permission (68738) for Change of use of from call centre office (Class E) to a flexible use comprising of a warehouse distribution centre (Class B2/B8) with ancillary offices; Creation of new site access/entrance with sliding security gates, service yard and vehicle/cycle parking; External alterations including new loading/delivery doors to north elevation
Amendments to the setting out of 4 no loading dock door openings on the north elevation and lowering the height of two roller shutter door openings. Fire exit/personnel door repositioned to right hand side of dock leveller no1 and omitted fire exit door.

Location: O2, Dumers Lane, Bury, BL9 9QL

Description

The application site contains a large building and car park and is located off Dumers Lane. The site is allocated as employment land and forms part of an Employment Generating Area (EGA). The building is constructed from brick with cladding and was last used as a call centre and contains a mezzanine floor. There was a multi storey car park on site, but this has been demolished recently. The site is accessed from the existing access road from Dumers Lane.

There are industrial buildings to the north, east and west and residential properties to the south on York Street.

Planning consent was granted for the change of use of a former call centre (Class E) to a warehouse distribution centre (Class B2/B8) with ancillary offices. The proposal also involved external changes to the building to provide loading/delivery doors to the north elevation, the provision of a new site access/entrance with sliding gates, the provision of a service yard and car park.

The applicant seeks approval for a non material amendment for amendments to the setting out of 4 no loading dock door openings on the north elevation and lowering the height of two roller shutter door openings. The proposed fire exit/personnel door would be located to the right of the 4 roller shutter doors and 1 fire exit door would be removed.

Relevant Planning History

68468 - Prior approval for demolition of Single and two storey car park and four free standing plant room buildings to enable future redevelopment plans for the wider site at O2, Dumers Lane, Bury. Prior approval required and granted - 29 July 2022

68738 - Change of use of from call centre office (Class E) to a flexible use comprising of a warehouse distribution centre (Class B2/B8) with ancillary offices; Creation of new site access/entrance with sliding security gates, service yard and vehicle/cycle parking; External alterations including new loading/delivery doors to north elevation at Cellnet Building, Dumers Lane, Bury. Approved with conditions - 24 November 2022.

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT2/7	Lorry Parking
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD14	Employment Land and Premises
SPD11	Parking Standards 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) 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.

Design and layout - The proposed development would amend the location of 4 roller shutter doors on the northern elevation. The proposed changes would provide openings, which would be evenly spaced across this part of the building, which is welcomed. One fire exit door would be removed and a fire exit door would be relocated from a central position between the roller shutter doors to the eastern end of the elevation. The proposed changes would not have a significant effect upon the character and appearance of the building and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would not result in any changes to the access arrangements and as such, would be acceptable.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon highway safety and would still be in accordance with the overall principles in terms of the approved application 68738 and the Policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u> HL 17/1/23	<u>Date</u>	<u>Sign off Officer</u> DM 17/1/23	<u>Date</u>
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