

DELEGATED REPORT

Report by Helen Leach	Date of report: 13/02/2023	Ref: 69122/FUL
Registration: 13/01/2023	LDFC: 03/02/2023	Expiry Date: 10/03/2023
Site Visit: 25/01/2023	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: Siting of 2 no. portakabins on the rear car park, to be used as shower/changing rooms for employees - for a temporary period of 4 years

Location: Fragrance Oils International Ltd, Eton Hill Road, Radcliffe, Manchester, M26 2FR

Description

The application relates to an established business located on an employment site within an industrial estate. The site contains a number of buildings in use as offices and for manufacturing. The application site relates to the car park, which is located at the southern end of the site

There are residential properties to the south and south west of the site and there are commercial buildings to all other boundaries. Hutchinsons Goit is located to the east with further industrial buildings beyond.

The proposed development involves the siting of 2 portakabins on the existing car park. The proposed portakabins would provide shower/changing facilities for employees as a temporary solution. The proposed cabins would occupy 9 parking spaces within the car park.

Relevant Planning History

02781/E - Siting of 2 no. portacabins for use as ladies and gents changing rooms at Fragrance Oils, Eton Hill Road, Radcliffe. Enquiry completed - 17 November 2022.

52416 - Two storey extension to existing factory (3327 m2) with associated car parking creating a total of 80 spaces (net increase 35 spaces) and new landscaping at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 25 August 2010

53795 - Erection of 3 metre high screen wall along south west boundary; alterations to the car park layout; erection of 7 storage and feeder tanks for processing of oils at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 16 May 2011

54846 - Erection of single storey security lodge and electricity sub station at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 16 March 2012

55034 - Two storey office extension; New staircase enclosure at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 8 May 2012

56606 - Variation to the staircase enclosure details approved on planning permission 55034 at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 30 September 2013

57063 - Replacement of storage sheds and cycle/motorcycle store; forklift charging facilities at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 19

February 2014.

58292 - New entrance extension to front elevation; Erection of replacement 2.8m high security fence/gates to Eton Way South at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 27 January 2015

60022 - Demolition of single storey office building and creation of replacement two storey building with associated car parking at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 29 June 2016

60741 - Erection of single storey industrial building ancillary to existing operations at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 12 December 2016

62259 - Erection of new storage and loading building at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 5 February 2018

64003 - Extension to existing single storey building used for fork lift vehicles maintenance at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 13 May 2019

66265 - Hazardous substances consent for the storage of substances hazardous to the environment -

Storage of E1 substance hazardous to the aquatic environment in category Acute 1 or Chronic 1 (130 tonnes) and storage of E2 substance hazardous to the aquatic environment in category Chronic 2 (160 tonnes), giving an aggregation of: $(130 / 100) + (160 / 200) = 2$. at Fragrance Oils, Eton Hill Road, Radcliffe. Approved with conditions - 17 February 2021.

Publicity

The neighbouring properties were notified by means of a letter on 13 January 2023. There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

United Utilities - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EC3/1	Measures to Improve Industrial Areas
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT2/6	Replacement Car Parking
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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.

Principle (Employment) - Policy EC2/1 states that in the defined Employment Generating Areas (EGA), the Council will only allow development for the uses specified. Other uses will only be permitted where they constitute limited development or do not substantially detract from an area's value as an EGA.

The proposed development would provide a portacabin for a temporary period of 3 years to provide changing facilities. As such, the proposed development would be in conjunction with the B2 use operating on site and as such, would be acceptable in principle. Therefore, the proposed development would be in accordance with Policy EC2/1 of the Bury Unitary Development Plan.

Design and layout - The proposed development would involve the installation of a portacabin for a temporary period of 4 years. The proposed unit would measure 6.1 or 8.64 metres by 3.36 metres and would be 2.3 metres in height.

The proposed temporary building would be located at the rear of the site on the existing car park. There is a bank of trees and as such, the proposed building would not be readily viewed from surrounding roads and properties. The proposed building would be single

storey and would be grey in colour.

The proposed building would not be out of keeping in a commercial setting and would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case.

There would be 24 metres between the nearest residential property and the proposed building. In addition, there is a strip of landscaping, which is 2 - 3 metres wide and is well established, which would screen the proposed development from view. Given the distance, the existing landscaping, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Noise - The proposed building would be used for welfare and showering facilities, which would generate little noise. The nearest residential properties are over 24 metres away and there would be a blank gable elevation facing the proposed development. As such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties with regard to noise. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be accessed via the existing access roads serving the factory. The proposed building would be located in the existing car park and would result in the loss of 9 -10 parking spaces. The design and access statement confirms that some staff work from home and due to shift work and flexible working patterns, the car parks are never at full capacity. On my site visit, the car park was just over half full. As such, the loss of 9 - 10 spaces for a temporary period of 3 years would not have a significant adverse impact upon the parking provision. The Traffic Section has no objections. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and HT2/4 of the Bury Unitary Development Plan.

Access - The agent has confirmed that a ramp would be provided to ensure that the proposed building would be accessible for all. Therefore, the proposed development would comply with Policy HT5/1 of the Bury Unitary Development Plan.

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 Permission is hereby granted for a limited period only, namely for a period expiring on 4 years, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its

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retention.

Reason. The development is of a temporary nature only.

- 2 This decision relates to the drawings received on 25 November, 22 December 2022, 4 January and 13 January 2023 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 grey.

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.

<u>Case Officer</u> HL 13/2/23	<u>Date</u>	<u>Sign off Officer</u> DM 13/2/23	<u>Date</u>
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