

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 06/06/2022	Ref: 68329/FUL
Registration: 12/04/2022	LDFC: 26/05/2022	Expiry Date: 07/06/2022
Site Visit: 02/06/2022	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: Cladding to various buildings

Location: Bealey Industrial Estate, Hallam Street, Radcliffe, Manchester, M26 2BD

Description

The proposal relates to a series of established utilitarian industrial buildings of differing forms and sizes on the west side of Durers Lane, Radcliffe. The site is located in an identified Employment Generating Area.

The proposal is to overclad some external elevations of the buildings with an aluminium cassette hook-on system in gold and grey (where the two colours would be randomly mixed). The submission explains that this is proposed in order to give the more prominent areas of the industrial estate a 'refresh' and distinct identity.

Relevant Planning History

None relevant

Publicity

Advertised by direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

GM Fire and Rescue Service: No objection

Unitary Development Plan and Policies

EC2/1 Employment Generating Areas
EN1/2 Townscape and Built Design

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

The single matter for consideration is the impact of the proposal on visual amenity.

As noted in the submission, the estate is beginning to look dated and unkempt and is in need of investment in its maintenance and appearance.

Whilst the proposed colours do not feature within the estate presently, the proposed cladding panels would bring some colour and vibrancy to the most prominent elevations of what is a rather drab and utilitarian industrial street scape without visually conflicting with adjacent buildings, thus improving visual amenity in the area.

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 would not have any harmful impacts upon visual amenity. 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

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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 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 Site Location Plan (Dwg no. DA20050.4. 001), Proposed Elevations (Dwg no. 20050.4.008 Rev.1), Proposed Elevations (Dwg no. DA20050.4.007 Rev.1) 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 No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.
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> DSC	<u>Date</u> 06/06/2022	<u>Sign off Officer</u>	<u>Date</u>
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