

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/02/2023	Ref: 69141/FUL
Registration: 02/12/2022	LDfC: 03/02/2023	Expiry Date: 27/01/2023
Site Visit: 24/01/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIMW

Proposal: Erection of 1 no. cabin; Alterations to traffic management and parking and additional external storage/racking

Location: Travis Perkins, Bury And Bolton Road, Radcliffe, Manchester, M26 0FP

Description

The application relates to a builders merchants on Bury and Bolton Road. The site comprises of an access from Bury and Bolton Road, that leads to a detached two storey building, and associated storage yard area. Car parking is located to the front of the site, and to the front the detached building allowing for 14 spaces within the site. The site is located within the green belt, with open land to the east and south of the site. There is a commercial property to the west of the site, and 4 residential properties opposite the site.

Planning permission is sought for the construction of a single storey, flat roof cabin to the front of the existing building, along the eastern boundary of the site. This would result in the reconfiguration of the parking area to the front of the site with the loss of a parking space with this area of parking restricted to staff only parking. A disabled parking bay, and bike storage would also be located to the front of the site. A controlled loading area is proposed to the west of the site with amendments to the configuration of the parking area to the front of the detached building also proposed. New racking areas are also proposed within the southern end of the storage yard.

Relevant Planning History

44751 - Provision of powder coated palisade fence with electrified pulse fence - Approve with Conditions 05/08/2005

48711 - Overclad brickwork on existing building - Approve with Conditions 08/11/2007

50994 - Erection of new builders merchants building; alterations to existing external storage and distribution area - Approve with Conditions 21/04/2009

51352 - Erection of new builders merchants and alteration of existing external storage to facilitate the storage and distribution of building materials and trade counter - Approve with Conditions - 22/07/2009

52174 - Removal of existing porta cabins and siting of 1 no. temporary porta cabin - Withdrawn

52521 - Removal of existing porta cabins and siting of 1 no. temporary porta cabin (resubmission) - Approve with Conditions - 30/06/2010

Publicity

Neighbour letters sent 21/12/2022

Following receipt of amended plans showing location of racking, and submission of a green belt statement further letters of representation sent 27/01/2023. 1 objection received in relation to:

- The current site plan is not of the actual site, but is from a different branch of TP. Local residents cannot judge the changes proposed if they can't see the current plan.
- Delivery vehicles to the site frequently cause problems for local residents as drivers park HGVs on double yellow lines, too close to driveways, reducing sight lines, resulting in increased risk of accidents on a 40mph road.
- Any changes to the site should focus first on reducing the risk to local residents. As drivers are required to report to the yard manager before entering, surely the business needs to have a proper plan for how that should happen, which allows this to be done safely for both residents, road users and delivery drivers?

Statutory/Non-Statutory Consultations

Traffic Section - No objections raised subject to conditions in relation to the implementation of parking, turning and loading/unloading areas.

Environmental Health - Contaminated Land - No objections raised.

United Utilities (Water and waste) - SuDs condition requested.

Pre-start Conditions - None

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
HT2/1	The Strategic Route Network
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
SPD11	Parking Standards in Bury
EN5/1	New Development and Flood Risk
EN7/3	Water Pollution
EN7/5	Waste Water Management

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 (Green Belt)

Paragraphs 147 and 1448 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (e) limited infilling in villages;
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable

housing need within the area of the local planning authority.

Paragraph 150 of the NPPF also confirms that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of more of the following purposes: agriculture and forestry essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it; limited extension, alteration or replacement of existing dwellings, provided that this would not result in a disproportionate additions over and above the size of the original dwelling, or, in the case of replacement existing dwellings, the new dwelling is not materially larger than the one it replaces; limited infilling in existing villages.

The wider aims of Paragraph 145 of the NPPF are to protect and maintain the openness of the Green Bet. The applicant has supplied a justification for the proposed building confirming that the footprint of the original building is 519m², with the proposed welfare cabin having an footprint of approximately 15m². The proposed welfare cabin would be single storey in height and would only increase the footprint of buildings on site by approximately 3%. The addition of a new portacabin building within the site could therefore be considered to be an exception under exception c of paragraph 145, provided that it can be demonstrated that the other alterations on site would not impact on the openness of the green belt. The applicant has also highlighted that the whole of the development is contained within an existing developed site.

SPD 8 also states that careful consideration should be given to the impact of a proposal when viewed from several locations from within the immediate vicinity and wider countryside. The site as it stands is an established area of developed land, with hardstanding and storage areas across the site and a detached two storey building. Racking, and stacks of building materials are clearly visible from within and outside the site. The boundary of the site is well defined and the proposal does not seek to extend beyond this established boundary. It is therefore accepted that the proposal would be sited within an existing area of developed green belt.

The proposed new cabin building, and the proposed new racking would be viewed in connection with the existing building on site. There is also existing development to the north and west of the site that makes up a ribbon of development of Bury and Bolton Road. When viewed at a distance, the proposal would be considered to be part of an existing cluster of development, along this particular stretch of Bury and Bolton Road and given the above matters and the case presented, it is considered that given the nature of this particular scheme, the site and its context the site the proposal would not create harm to the openness of the Green Belt. It is considered therefore that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

Layout and Design

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.

The proposed cabin would be of a flat roof construction and sited adjacent to the side boundary of the site. This boundary is made up of green palisade fencing. The proposed cabin would be finished in hollybush green, and yellow matching the corporate colours of the company and the colours of the main two storey detached building. Whilst the cabin is located towards the front, public facing part of the site the fencing that makes up the boundary, and the parking gives some element of screening. Additionally hedgerows to the east of the site that front Bury and Bolton Road would also provide a level of screening. The proposed cabin building would also be viewed against the back drop of the existing two storey building. The proposed cabin would be single storey in height, and as such is of a suitable scale and would not result in over development of the site. Given the nature of the site, it is considered that the pre-fabricated cabin is a suitable addition.

The proposed racking would be located within areas of the compound already utilised for storage of materials. Whilst the racking would reach a maximum height of 5.5 metres this would largely be screened by palisade fencing, with the site plan showing the higher racking located towards the rear of the site where the existing taller areas of racking and stored materials are currently located and a lower area of racking located towards the front of the site. This racking that is more visible from the public realm would be no higher than the existing fencing and wire along the front boundary that reaches a height of 3 metres. Similarly the amended parking and loading areas are located in similar locations to the existing layout. As such, it is considered that these alterations would not materially alter the overall visual amenity of the site.

As such, it is considered that the proposal would comply with UDP Policy EN1/2.

Residential Amenity

EN1/2 and requires consideration of various factors relating to built design, including the relationship of the proposal to the surrounding area and impact on residential amenity.

There are no dwellings directly to the east, west and south of the site. The row of dwellings that directly face the site are separated from the site by a highway and as such are located at a distance that far exceeds any aspect standards set out for relationships between single storey buildings and ground floor habitable room windows (6.5 metres). The proposed racking would be

The proposed windows in the north and south elevations of the proposed cabin would

Traffic

The existing site has a significant area in which HGVs can enter and leave the site in forward gear, as well as park when delivering. The application seeks to amend this existing arrangement and to introduce a controlled loading area within the west side of the site/storage yard.

The applicant's have provided a site plan that shows vehicular movements on site that demonstrates that vehicles can enter the site, park in proposed controlled loading area, and exit the site in forward gear without encroaching on the proposed parking spaces or the areas shown as storage for materials. The analysis also shows that the vehicles would stand clear of any access routes.

There is a net loss of one parking space within the area to the front of the site, that is considered to be informal parking and is shown on the proposed site plan to be staff only. The applicant's however have retained, and formalised 7 larger parking bays to the front of detached building to cater for larger vehicles that would be visiting the trade counter associated with the builder's yard. A formalised disabled bay, and cycle storage is also now proposed on site where there was no formal provision previously.

With regard to parking provision, there is no equivalent use within SPD11. However, SPD11 states that the maximum parking standards for a B2 use would be 1 space per 60 square metres. This would equate to 3 spaces. The proposal seeks to maintain 7 public spaces at the site, introduce a disabled space and cycle storage and maintain 5 spaces for members of staff. As such, the level of parking provision would be acceptable. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Unitary Development Plan and SPD11.

Response to Neighbours

The applicant submitted two site plans with the application, one for the site and one for Rotherham. It is unclear why the Rotherham plan was submitted but this has since been removed from the website and the objector was contacted directly by the case officer with a copy of the correct site plan should they wish to provide further comments.

The Traffic Section have been consulted on the information provided with the application, including a site plan that shows vehicular movements and have raised no objections to the scheme.

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 numbered 8567-MJM-XX-XX-DR-D-6601 P03, 8567-MJM-XX-XX-DR-D-6611 P04, 8567-MJM-XX-XX-DR-D-6612 P01, 8567-MJM-XX-XX-DR-D-6613 P01, 8567-MJM-XX-XX-DR-D-6600 P01 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 turning and loading/unloading facilities indicated on approved plan references 8567-MJM-XX-XX-DR-D-6613 P01 & 8567-MJM-XX-XX-DR-D-6611 P04 shall be provided before the development is brought into use and the areas used to manoeuvre vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.
- 4 The car and cycle parking and traffic management arrangements indicated on approved plan references 8567-MJM-XX-XX-DR-D-6613 P01 &

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8567-MJM-XX-XX-DR-D-6611 P04 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 safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 5 The drainage for the development hereby approved must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). The drainage scheme shall be implemented prior to first occupation and thereafter maintained.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Pressle	16/02/2023		