

Ward: Whitefield + Unsworth - Unsworth

Item 1

Applicant: LSH Auto UK Limited

Location: Mercedes-Benz of Whitefield, 845 Manchester Road, Bury

Proposal: Variation of condition 16 (opening hours) of planning permission 58561:
Amend from: The development hereby permitted shall not be open to customers or members of the public outside the following times: 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays
Amend to: The development hereby permitted shall not be open to customers or members of the public outside the following times: 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays

Application Ref: 69115/Full

Target Date: 18/01/2023

Recommendation: Approve with Conditions

Description

The site was redeveloped around 10 years ago and contains a new sales/after sale building for Mercedes Benz. The building is used for a variety of uses including car sales, sales of parts/accessories, car valeting, car repair, MoT testing, body repairs and car sales office. The site is accessed from an access adjacent to the northern boundary and car parking is available for customers near the entrance with a smaller staff car park at the rear of the site.

The site is bounded by residential properties to the north, southwest and west and there is a synagogue to the south. There is open land to the east with residential properties beyond and Bury Golf Club is located to the north east.

The proposed development involves the variation of the condition relating to the hours of operation. The proposed development would vary the hours from:

- 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays to
- 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays.

The proposed amendment to the hours would be to allow customers to drop off and collect cars over a longer time period.

The customers would utilise the existing car park at the front of the site and would drop their keys off at the main reception in the showroom at the front of the building.

Relevant Planning History

56517 - Demolition of the existing garage building and the comprehensive redevelopment of the site to provide a new car dealership, with workshop for MOT testing, servicing, car part sales and other car-related activities including the construction of a new (4, 789 sqm) stand-alone sales and after-sales building and workshop, car parking and a reconfigured vehicular access/egress from the Manchester Road at 845 Manchester Road, Bury. Approved with conditions - 16 October 2013.

57266 - Non-material amendment following grant of planning permission 56517 for Demolition of the existing garage building and the comprehensive redevelopment of the site to provide a new car dealership, with workshop for MOT testing, servicing, car part sales and other car-related activities including the construction of a new (4, 789 sqm) stand-alone

sales and after-sales building and workshop, car parking and a reconfigured vehicular access/egress from the Manchester Road:

1. Amendments to front elevation to remove front columns and simplify glazing
2. Reposition building to bring forward approx. 1M (west) and approx 1M left (north) at 845 Manchester Road, Bury. Approved - 24 February 2014.

58561 - Variation of condition 16 following grant of planning permission 56517 to amend the Sunday opening hours:

Amend from: The development hereby permitted shall not be open to customers or members of the public outside the following times: 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 10.00 to 16.00 Sundays

Amend to :The development hereby permitted shall not be open to customers or members of the public outside the following times: 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays at 845 Manchester Road, Bury. Approved with conditions - 13 May 2015.

58562 - Variation of conditions 2 and 3 following grant of planning permission 58184 to remove reference to the duplicate drawing and amend the timing of the smart lighting coming on:

Condition 2 amend from: This decision relates to drawings numbered 3273/00, 3273/C/02 Rev A, 13.030/E/07 Rev D, 3273/178D, 13.030/E/05 Rev C, 3273/C/179A, 3273/C/021 Rev A, 13.030 MB Whitefield_External Lighting, 13.030 Roof Car Park Lighting, Thorlux lighting - Type AA, T2, S1 and Y and the development shall not be carried out except in accordance with the drawings hereby approved

Condition 2 amend to: This decision relates to drawings numbered 3273/00, 3273/C/02 Rev A, 13.030/E/07 Rev D, 3273/178D, 13.030/E/05 Rev C, 3273/C/179A, 13.030 MB Whitefield_External Lighting, 13.030 Roof Car Park Lighting, Thorlux lighting - Type AA, T2, S1 and Y and the development shall not be carried out except in accordance with the drawings hereby approved.

Condition 3 amend from: The external lighting shall not be switched on outside the hours of 08.00 to 19.00 Monday to Friday, 07.30 to 17.30 Saturdays and 09.30 to 16.30 Sundays except where the sensor detects movement on the site for security purposes.

Condition 3 amend to: The external lighting shall not be switched on outside the hours of 07.30 to 19.00 Monday to Friday, 07.30 to 17.30 Saturdays and 10.30 to 17.30 Sundays except where the sensor detects movement on the site for security purposes at 845 Manchester Road, Bury. Approved with conditions - 28 May 2015

61834 - Change of use of land to form a surface level staff vehicular parking area with 19 no. spaces and associated infrastructure and landscape works at 845 Manchester Road, Bury. Approved with conditions - 25 October 2017.

Publicity

The neighbouring properties were notified by means of a letter on 9 December 2022.

8 letters have been received, which have raised the following issues:

- The previous planning approval restricted excessive lighting around the site. This application would remove that
- Such extended hours will mean longer parking of employee and customer cars outside residents homes causing access and parking issues when residents return home from work
- This will also cause additional road danger at surrounding junctions
- The opening hours will double the period of time of noise, volume of traffic, light pollution & parking
- This is a residential area and it is not appropriate to allow such long operational hours for a car sales showroom. There are no other local showrooms that open such an excessive amount of time.
- It would be a major disruption to the local area and traffic
- It would remove the current lighting restriction agreed with the council extending light pollution 4hrs or more per day

- The council now needs to restrict further development of this business given its lack of following the initial reasons provided for previous developments and that its residential
- Impact of the lights from the staff car park - I do not want the extra hours.
- LSH is in the middle of a residential area not an industrial estate. If they want to work 6.00am to 22.00pm they need to move location
- What is so imperative that LSH want to extend their hours? What activities do they intend carrying out? Does the council know? Have they even asked?
- LSH have taken no steps to reduce noise in the current operating hours and do not wish to accept extended working hours.

The objectors have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

| | |
|-------|---|
| EC3/1 | Measures to Improve Industrial Areas |
| EC6/1 | New Business, Industrial and Commercial |
| EN1/1 | Visual Amenity |
| EN1/2 | Townscape and Built Design |
| EN1/3 | Landscaping Provision |
| EN1/5 | Crime Prevention |
| EN1/6 | Public Art |
| EN1/7 | Throughroutes and Gateways |
| EN5/1 | New Development and Flood Risk |
| EN6 | Conservation of the Natural Environment |
| EN6/3 | Features of Ecological Value |
| EN7 | Pollution Control |
| EN7/2 | Noise Pollution |
| EN7/5 | Waste Water Management |
| EN8 | Woodland and Trees |
| EN8/2 | Woodland and Tree Planting |
| OL1/2 | New Buildings in the Green Belt |
| OL1/5 | Mineral Extraction and Other Dev in the Green Belt |
| OL5/2 | Development in River Valleys |
| S2/1 | All New Retail Proposals: Assessment Criteria |
| S4/4 | Car Showrooms, Car Sales Areas and Petrol Filling Stns |
| HT2/4 | Car Parking and New Development |
| HT5/1 | Access For Those with Special Needs |
| SPD4 | DC Policy Guidance Note 4: Percent for Art |
| SPD6 | Supplementary Planning Document 6: Alterations & Extensions |
| SPD8 | DC Policy Guidance Note 8 - New Buildings in the Green Belt |
| 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.

Impact upon surrounding area - The proposed amendment to the hours condition would extend the hours of opening by 2 hours on Monday - Saturday mornings and 3 and a half

hours on Monday - Saturday evenings. The proposed extension of the opening hours would only be to drop vehicles off and collect vehicles and the customers would utilise the customer car park at the front of the site. As such, the proposed development would not involve any external changes and would not have a significant impact upon the character of the area. Therefore, the proposed development would be in accordance with Policies EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - The existing car park is some 1.5 metres lower than the adjacent residential properties and there would be 11.6 metres from the gable of No. 863 Manchester Road to the car park. Given the difference in levels and the current use of the car park, the existing fencing would prevent any light from the headlights from affecting the neighbouring residents.

The number of vehicles accessing the site would be spread out over a longer period to prevent queuing at the entrance during peak travel times. As such, the proposed development would not lead to a significant increase in the number of vehicles using the car park or a significant adverse impact in terms of noise.

Therefore, the proposed development would be in accordance with Policies EN7/2, HT2/4 and S4/4 of the Bury Unitary Development Plan.

Noise - A noise survey was submitted with the application and concludes that the proposed change to the opening hours would not generate any noise above the existing background noise levels.

However, while on site, Officers experienced cars being moved from the car park to the workshop by being driven up to the workshop roller shutter door, then beeping the horn, then the workshop door being opened. There is a concern that if this was to happen before 08.00 in the morning, the proposed extension to the opening hours would have an impact upon the amenity of the neighbouring properties. Environmental Health - Pollution Control share the same concern with the potential for noise and disturbance to residential properties between the hours of 06.00 and 08.00. As such, it is proposed to include a planning condition that would prevent the movement of cars from the car park to the workshop before 08.00.

With such a condition, the proposals would still allow vehicles to be dropped off and collected by individuals but would not impinge upon amenity through the movement of vehicles to the workshop bay.

Therefore, the proposed development, subject to conditional control, would not have a significant adverse impact upon the amenity of the neighbouring properties and would thus be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would utilise the existing access and car park. The proposed increase in the opening hours would enable the number of vehicles accessing the site to be spread out over a longer period to prevent queuing into the site at peak hours. The Traffic Section has no objections to the proposed development. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies HT2/4 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 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

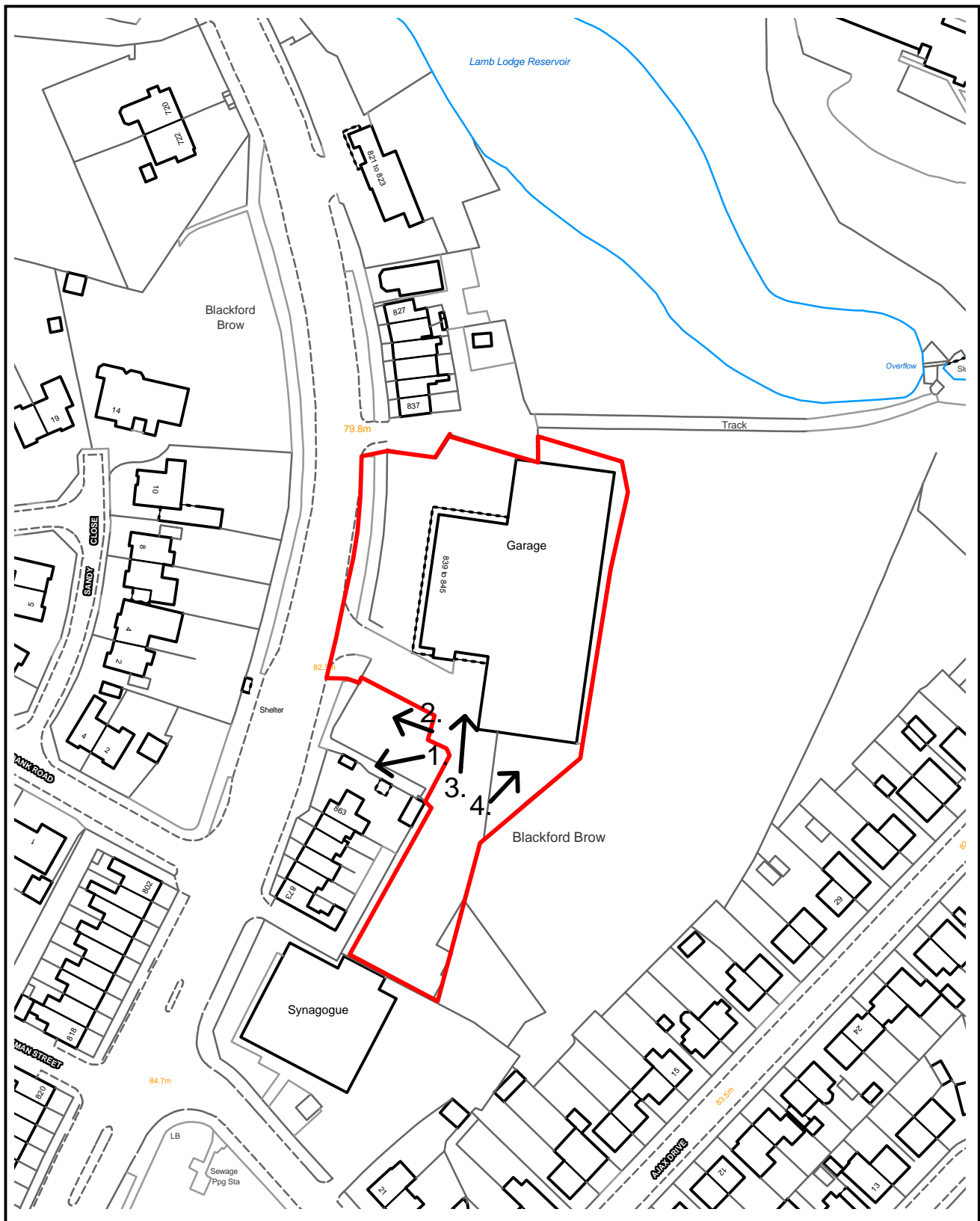
Conditions/ Reasons

1. This decision relates to drawings numbered 3273/50A, 3273/51B, 3273/52B, 3273/53B, 3273/54A, 3273/55A, 3273/56A, 32573/60, Topographical survey - Mercedes, Manchester Road, Whitefield, 252421/001, Noise assessment report - November 2022 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.
2. No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing with the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
3. The development hereby approved shall be carried out in full in accordance with the recommendations of the Ecological Assessment Report Ref 3972.002 May 2013.
Reason. In order to ensure that no harm is caused to the site pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
4. The development hereby approved shall not be brought into use unless and until the footway and access alterations on Manchester Road indicated on the approved plans, incorporating the reconfiguration of the existing southerly site access, closure of the northerly site access, demarcation of the adopted highway boundary and all associated remedial works have been implemented in full to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
5. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and the areas used for the manoeuvring of service 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 S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
6. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained available for use 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 and SPD11.

7. The development hereby permitted shall not be open to customers or members of the public outside the following times: 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
8. No development, other than demolition works, shall commence until details of a screen to be erected along the southern and western roof line of the building have been submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented prior to the development hereby approved being brought into use and maintained thereafter.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations and EN1/2 - Townscape and Built Design.
9. No development other than demolition works, shall commence unless or until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
10. No movements of vehicles between the customer car park and the workshop shall take place between the hours of 06:00 to 08:00.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations and EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

For further information on the application please contact **Helen Leach** on **0161 253 5322**

69115 - Item 1 - Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69115

**ADDRESS: Mercedes-Benz of Whitefield
845 Manchester Road**

**Bury
Planning, Environmental and Regulatory Services**



Bury
COUNCIL

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69115 – Item 1

Photo 1



Photo 2



69115 – Item 2


Photo 3



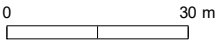
Photo 4





 Site boundary

Mercedes-Benz of Whitefield
LSH Auto



Site location

| | |
|--------------------|--------------------------------|
| Dwg no/252421/001 | Revision |
| Status | 22 November 2022 |
| Scale: 1:1,250 @A3 | Drawn by: JC Checked by: TR |

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