

APPLICATION NUMBER: 23/01132/CPL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01132/CPL

CASE OFFICER

Aimee Bovaird

DETERMINATION DATE 25.12.2023 EXT OF TIME 21.05.24

Address: Golden West Foods Ltd, Hareshill Road Heywood Rochdale OL10 2TN

Proposal: Certificate of lawfulness for the alteration of the fenestration within the side elevation

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N/A

EIA	Screening opinion completed and saved to Onbase?	N/A
-----	--	-----

CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

GRANT

SITE

This site relates to Golden West Foods and lies within Pennine Business Park. Golden West Foods is an industrial building used as a bakery and associated distribution facilities. North and south of this site are more industrial buildings.

This is an industrial building and to the north and east are more industrial buildings.

Hareshill Road runs west and south of the site and beyond this are open fields which is designated Green Belt.

This site is within the Defined Urban Area and within a Primary Employment Zone.

PROPOSAL

The application is for a certificate of lawful development and seeks to establish the lawfulness of adding five new windows.

RELEVANT PLANNING POLICY

The Town and Country Planning Act (1990)

S.55 - Meaning of “development” and “new development”

S.192 - Certificate of lawfulness of proposed use or development

Part 7 – Non-domestic extensions, alterations etc.

National Guidance

National Planning Practice Guidance (NPPG)

Burden of Proof

The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability (PPG Paragraph: 006 Reference ID: 17c-006-20140306)

RELEVANT SITE HISTORY

21/01510/ADV - Two non-illuminated vinyl signs – Approved

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, this application has not been publicised.

ANALYSIS

The proposal seeks a lawful development certificate for the alteration of the fenestration consisting of adding five new windows. As such, this is considered under Part 7 Class H of the GPDO which permits "*The erection, extension or alteration of an industrial building or a warehouse*".

Development not permitted

H.1 Development is not permitted by Class H if—

- (a) the gross floor space of any new building erected would exceed—
 - (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
 - (ii) in any other case, would exceed 200 square metres;

The proposal would not extend the building

(b) the gross floor space of the original building would be exceeded by more than—

- (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
- (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
- (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);

The proposals would not exceed floorspace.

- c) the height of any part of the new building erected would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;

The proposals do not involve the erection of a new building.

- d) the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the building being extended or altered;

The proposals do not increase or alter the height of the building.

- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

No part of the development is within 5 metres of any boundary of the curtilage of the premises.

- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or

The proposals would not alter or reduce parking or vehicle turning arrangements.

(g) the development would be within the curtilage of a listed building.

The proposal is not located within the curtilage of a listed building.

Conditions

H.2 Development is permitted by Class H subject to the following conditions—

(a) the development is within the curtilage of an existing industrial building or warehouse;

(b) any building as erected, extended or altered is only to be used—

(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;

(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

(a) no building as erected, extended or altered is used to provide employee facilities—

(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or

(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 199987;

(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which

(a) have a similar external appearance to those used for the building being extended or altered.

It is the applicant's responsibility to comply with the conditions above. Subject to this, the proposed development complies with the requirements of Part 7 Class H of the GDPO and is considered permitted development.

RECOMMENDATION

GRANT

The proposed development constitutes permitted development by virtue of compliance with the requirements of Part 7 Class H of the GDPO and is therefore considered permitted development.

Informative

For the avoidance of doubt, the decision relates to the following documents and plans:-

Existing and Proposed – P01

Verification of Evidence

Report Author Aimee Bovaird