

12th September 2022

Bury Council
Town Hall
Knowlsey Street
Bury
Lancashire
BL9 0SW

Dear Sir/Madam

Re: K-Outlet – Nos. 6-9 Park Hill, Bury Old Road, M25 0FX
Full planning application for the retention of five shipping containers used for storage ancillary to the K-Outlet commercial unit (Use Class E)

Background

We act on behalf of K-Outlet and have been instructed to submit a full planning application which seeks consent for the following works:

- Retention of five (5) existing shipping containers for use as storage to the rear of K-Outlet a Use Class E commercial unit.

The application was submitted by Planning Portal on 12th September 2022 and comprises the following:

- Completed planning application forms;
- Drawings package prepared by JC Design comprising:
 - Existing Block Plan;
 - Existing Floor Plan/Site Plan;
 - Existing Elevations.

In addition to the above documentation, this cover letter provides a detailed assessment of the key planning issues and should be taken into consideration in the determination of the planning application.

Site and Surroundings

The application site relates to a two storey mid-terrace building located on the western side of Bury Old Road and forms part of an established retail parade within a designated Local Centre.

Off road parking is currently provided for customers to the front of the local shopping parade as depicted within the site images below. Whilst to the rear of the shopping parade are a number of outbuildings and containers used as storage for the frontage commercial units accessed via an unadopted highway off Bury Old Road.

Please refer to the images below.



Image 1: The site as viewed from Bury Old Road currently trading as K-Outlet



Image 2: The containers which are proposed to be retained as a result of this application to the rear of the site with associated staff parking and storage buildings for other properties within the local parade.

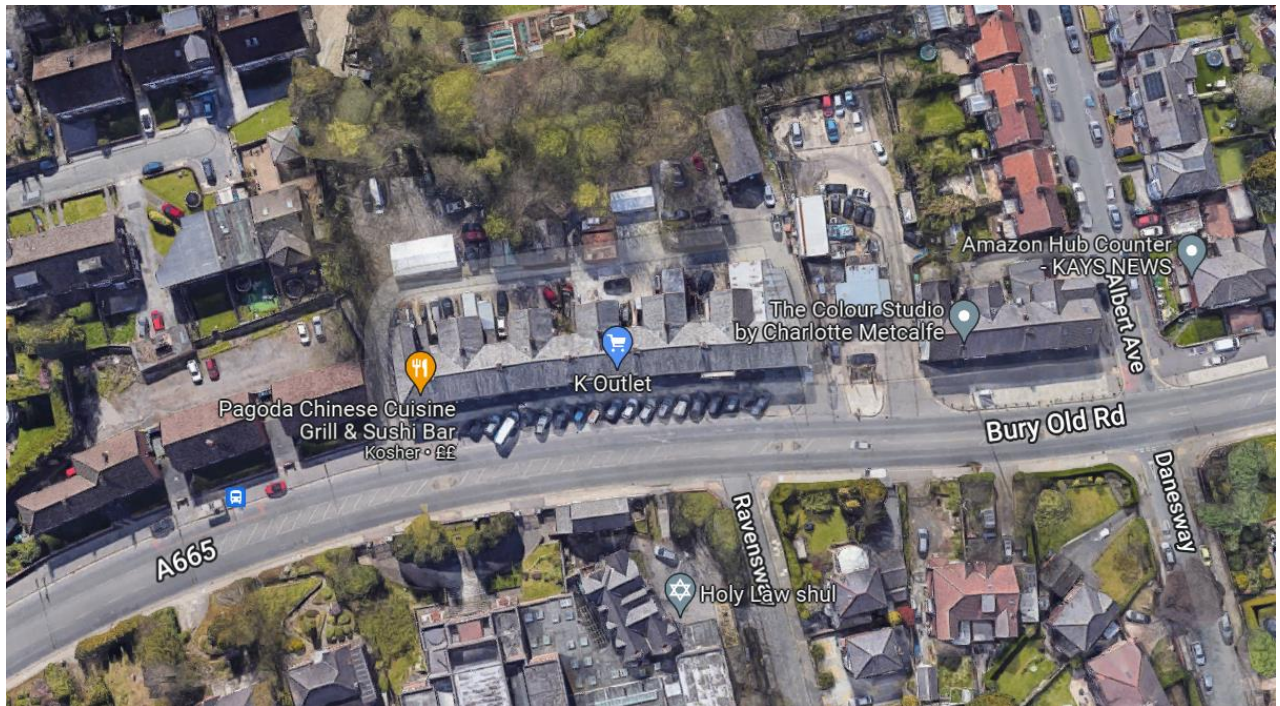


Image 3: Overhead view of the site demonstrating its relationship with Bury Old Road and the corresponding access road to the rear of the site

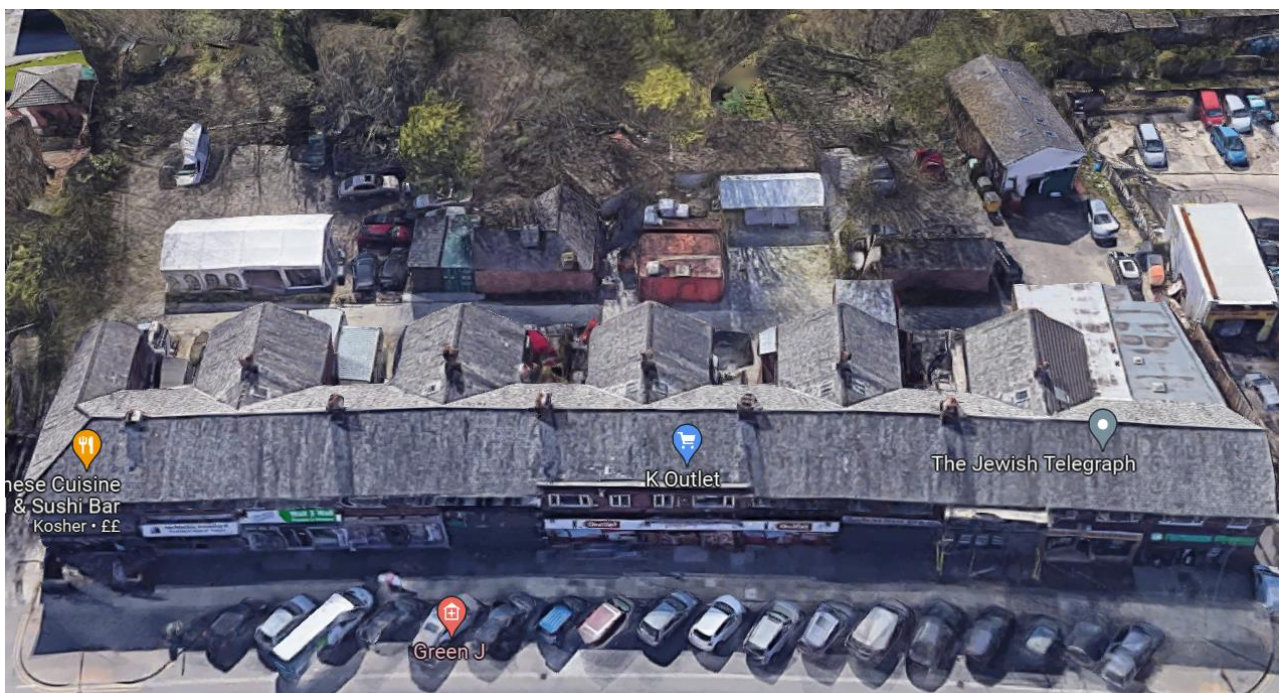


Image 4: 3D overhead view of the site demonstrating the relationship it shares with the wider terrace

Planning History

The Site

A review of the Council's online records reveals that the site has been subject to a number of previous applications none of which are considered to be of relevance to this application.

Surrounding Area

Importantly, there have been a number of applications for the retention of storage containers in the immediate vicinity of the site as summarised below:

- An application (**Ref 59720**) was initially made for the retention of a storage container to the rear of No. 11 Park Hill by the Jewish Telegraph – Refused 21st March 2016;
 - This application was refused by the Council solely on the basis that it would offer potential for an increase in crime to the frontage commercial building due to the poor siting within the site;
 - Consequently, this application was appealed and subsequently dismissed under **Ref APP/T4210/W/16/3153012**. Importantly however, the inspectorate concluded at Paragraph 5 of the decision notice (enclosed here at **Appendix 1**) that the proposed location would not be readily visible to passers-by and is in a secluded location.
- A subsequent application (**Ref 60956**) was then made for the relocation of a storage container to the rear of No. 11 Park Hill by the same applicant – Approved 10th February 2017.

The Proposal

The application seeks consent for the following works:

- Retention of five (5) storage containers in a stacked formation up to a maximum height of 5.8 metres, width of 6 metres and depth of 7.2 metres to the rear of the frontage terrace building.

As set out on the accompanying drawings package, the containers will be subordinate in size and scale to the frontage property and benefit from a secluded location that will ensure the visual character and appearance of the local parade and wider street scene is preserved.

Planning Policy

Bury Borough Council's Local Development Framework currently comprises the Unitary Development Plan Strategy (2012) and the Development Management Plan Document (DPD) (2013). The policies relevant to the determination of the application are set out below.

Core Strategy (2012)

Policy EN1 (Built Environment) advises that the Council will seek to protect, preserve and enhance the character, appearance and amenity of the Borough's built environment.

Policy EN1/1 (Visual Amenity) advocates that development will not be permitted where proposals would have a detrimental effect on:

- Public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- The visual amenity both within, or viewed from areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

Policy EN1/2 (Townscape and Built Design) states that the Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

- The external appearance and design of the proposal in relation to its height, scale, density and layout;
- The relationship of the proposal to the surrounding area;
- The choice and use of materials;
- Access and other design features for the mobility impaired;
- The design and appearance of access, parking and service provision;
- Landscaping, including the use of natural landscape features, and open space provision; and
- The use of lighting

Policy S1 (Existing Shopping Centres) outlines the Council will seek to protect, maintain and enhance the role and function of the existing hierarchy of shopping centres within the Borough.

Policy S1/4 (Local Shopping Centres) states that the Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs.

Policy S1/5 (Neighbourhood Centres and Local Shops) states that the Council will seek to retain retailing as the predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day to day needs of residents and businesses.

Policy S2 (Control of New Retail and Non-Retail Development) outlines the Council will seek to protect and enhance the vitality and viability of the Borough's shopping centres by encouraging and controlling the type and location of retail and non-retail development to benefit the retailing activities of the centres.

Planning Issues

Principle of Development

The site relates to an existing mid-terrace commercial property trading as K-Outlet, a specialist kosher based supermarket serving the local community. The site is located within an established retail parade within a defined Local Centre. As such, the principle of extending the current storage facilities at the site is considered acceptable provided that there will be no adverse impact upon the amenity of the occupiers of any neighbouring properties or upon the visual character of the local area and street scene.

Furthermore, the principle of using shipping containers to provide storage solutions for commercial Class E properties at this location has been established through the recent planning application (**Ref 60956**) at the adjoining No. 11 Park Hill, Bury Old Road as summarised previously.

Design and Residential Amenity

The application proposal seeks the retention of five (5) storage containers to be stacked no more than two containers high (5.8 metres) in a regular formation to the rear of No. 6-9 Park Hill, Bury Old Road as depicted on the enclosed drawings package.

Importantly, as established at Paragraph 5 of the Appeal decision enclosed at **Appendix 1** this is a location that the Planning Inspectorate considers to be appropriate for this form of development by way of being secluded and not readily visible to passers by.

With regard to neighbour amenity, the closest frontage property (No. 7a Park Hill) importantly benefits from a recent planning application (**Ref 66564**) for the conversion of the existing dwelling at first floor level to commercial floorspace (please refer to the proposed floor plan at **Appendix 2**).

Whilst the adjoining property at No. 6a Park Hill is currently in residential use the orientation of the containers to the rear of the site allow an adequate outlook to be retained to the rear facing habitable bedroom window with a separation distance of approximately 12 metres maintained to the containers at second storey level.

Given the low overall height (5.8 metres), flat roof design and layout of properties at first floor level within the frontage terrace there will be no adverse impact upon any other residential occupiers of the frontage buildings by loss of outlook, overbearing or privacy.

As a whole, the containers will be subservient in nature, not readily visible from the street scene of Bury Old Road and have no unacceptable impact upon the amenity of neighbouring properties.

Accordingly, the visual character and appearance of the host property, street scene and neighbour amenity will be preserved in accordance with Policies EN1, EN1/1, EN1/2, S1, S1/4, S1/5 and S2 of the Bury Unitary Development Plan.

Conclusion

The proposed container units will provide essential storage for a specialist, community focused commercial unit. They will not be readily visible from the street scene and will have no unacceptable impact upon the amenity of neighbouring occupiers.

Accordingly, the proposal complies with Policies EN1, EN1/1, EN1/2, S1, S1/4, S1/5 and S2 of the Bury Unitary Development Plan and should be approved on this basis.

Next Steps

We look forward to receiving confirmation of receipt and registration of the application, however, in the meantime if you require any further information or have any queries in respect of the submitted documentation, please contact the undersigned in the first instance.

Yours faithfully



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Appendix 1

Appeal Decision

Site visit made on 25 October 2016

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 November 2016

Appeal Ref: APP/T4210/W/16/3153012

Telegraph House, 11 Park Hill, Bury Old Road, Prestwich, Manchester, Lancashire M25 0HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Harris of Jewish Telegraph Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59720, dated 1 February 2016, was refused by notice dated 21 March 2016.
 - The development proposed is described as 'retrospective planning permission for the retention of a storage container'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The storage container is already in place and appears to conform to the plans before me. I have determined the appeal on this basis.

Main Issues

3. The main issue is the effect of the development on adjacent premises with regard to crime.

Reasons

4. The container is situated on private land to the rear of a shopping parade, beyond a back street and an area of rough ground used for car parking and the siting of several brick buildings. Immediately adjacent to the site is the detached pitched roof building of 1a Parkhill Place. The container is set behind a timber gate and mesh fence that extends from No 1a to a brick building to the south. Mature trees and shrubs are beyond the fence. To the north and east of the appeal site is a car wash and a further shopping parade. Residential properties are above the nearest shopping parade and on nearby streets.
 5. Although occupiers of neighbouring premises would be aware of it, the container is not readily apparent to passers-by on Bury Old Road and is, in my judgment, in a secluded location.
 6. The container was initially sited on the land in 2003 and is used for the storage of documents, furniture and stationary by the Jewish Telegraph following a
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series of temporary planning permissions. Since then there has been a single recorded crime incident, in 2015, in which, according to Greater Manchester Police (GMP), the container was used as a climbing aid to enable entry into No 1a via a roof light.

7. The container has been sited on the land for some time and it is required to store documents which need to be accessible during unsociable hours. Nevertheless crime can occur at any time. I recognise the appellant's point concerning making assumptions about the problems and their causes given just the single incident, and note that No 1a was granted planning permission for a change of use to an office and storage¹ with the container in place. I am also mindful, however, that the change of use application was determined at a time when the container failed to benefit from planning permission, its temporary consent having expired.
8. Nonetheless, the Planning Practice Guidance sets out that "*Designing out crime and designing in community safety should be central to the planning and delivery of new development.*" (Paragraph: 010 Ref ID: 26-010-20140306). Similarly, the National Planning Policy Framework, which is a significant material consideration, is clear that developments should create safe and accessible environments, where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
9. In addition, I am mindful of the response from GMP, which, notwithstanding the overall low crime rate in the area, recommends the removal or re-positioning of the container in order to discourage its misuse. It may be that GMP would not have commented on the application had the crime at No 1a not taken place. This is, however, is not the point. The container has been used to access No 1a and GMP have raised a legitimate concern on the back of these new circumstances.
10. No 1a could be subject to incidents of crime in any event and the owner is responsible for ensuring its security. Nonetheless, as demonstrated by the 2015 incident, the close proximity of the container, together with its secluded location, clearly provides an unwelcome and unnecessarily helpful opportunity for offenders to potentially gain access to No 1a, which has not long been in use as an office.
11. Whilst the appellant requires storage, there is no evidence to suggest that the container, or any other storage facility, needs to be positioned in this precise location in order to sustain the long standing business. If permanently retained in its current position, the container could be subject to, or enable, further incidents of crime.
12. Even though crime related issues were not raised in the consideration of previous temporary planning permissions, which appear to have been limited in order to protect the visual amenity of the area, I have determined this appeal in accordance with the development plan and the material considerations of the case. The granting of previous temporary planning permissions does not automatically mean that a further planning permission should be granted. In terms of security measures at No 1a, this is a matter for the owner to address and I have determined the appeal on the basis of the development applied for.

¹ Council Application Ref: 57526

13. Thus, I conclude that the development would increase opportunities for crime in the area which would conflict with Policy EN1/5 of the Bury Unitary Development Plan. This policy seeks to discourage crime through environmentally sensitive design features, including the use of and creation of defensible space and natural surveillance. It would also conflict with the requirements of the Framework, which are noted above.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

Appeal Decision

Site visit made on 23 November 2016

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 December 2016

Appeal Ref: APP/T4210/D/16/3158793

31 Chiswick Drive, Radcliffe, Manchester M26 3XB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Holt against the decision of Bury Council.
 - The application Ref 60334, dated 4 July 2016, was refused by notice dated 12 August 2016.
 - The proposal is to retain an area of raised decking with an open sided covered flat roof structure and lengths of raised boundary treatment to screen, for privacy purposes, adjacent properties.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 21 and 23 Haseley Close and 33 Chiswick Drive with regard to privacy, visual impact, outlook, light and noise.

Reasons

3. The development includes a number of elements including a raised decking area; boundary fencing; and a canopy. I am mindful of the provisions within Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) with regard to garden buildings. The Department for Communities and Local Government's 'Permitted development rights for householders: Technical Guidance 2016' also advises that the height of a building or enclosure should be measured from the highest ground level immediately adjacent to it. However, the GPDO does not allow for a raised platform with a height greater than 0.3 metres or fences in excess of two metres in height.
 4. The Council's concern relates to noise. Adjacent residents have also raised a number of other matters with planning concerns relating to privacy, visual impact, light and loss of outlook. I have had regard to all of these concerns.
 5. Because the raised decking extends up to the boundaries beyond the roof structure and as there are not sides to the roof structure itself, a range of clear views over the boundary fences, into the gardens of the neighbouring properties, are available from the decking area. Direct views, from a close
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- distance, are also available into the living accommodation of both 21 and 23 Haseley Close. This element of the proposal results in an unacceptable reduction in privacy for the residents of all three adjoining properties.
6. The raised decking, which results in the residents being in a higher position in relation to the boundary fences, would allow for greater noise transmission. As there are not sides to the roof structure and as the decking extends beyond it, I agree that the use of the decking would result in an unacceptable increase in disturbance, particularly with regard to the residents of 21 and 23 Haseley Close.
 7. Although it was difficult to establish the exact height of the boundary fencing above natural ground level within the appeal site, it clearly exceeds two metres in height to the rear. However, it only marginally exceeds the height of the other retained fences that form the boundaries of the neighbouring properties. Although presenting unmatched sections of fencing above that of the neighbouring fences, I am not persuaded that they are overbearing. The visual impact is not ideal but the limited wider prominence of the fencing ensures that it does not detract from the character or appearance of the area.
 8. The roof structure is visible above the fencing. It is a prominent feature when viewed from the adjoining properties because of its proximity to the boundaries and the light colour of the timber. However, I am not satisfied that it is unacceptably overbearing. Although the quality of the views from the neighbouring properties are reduced, I am not satisfied that the living conditions of the neighbouring residents have been unacceptably harmed. I am similarly not satisfied that living conditions would be harmed as a result of any increase in shading.
 9. Overall, the works unacceptably harm the living conditions of the neighbouring residents with regard to the reduction in privacy and the potential for increased noise and disturbance. The development is therefore contrary to Policy H2/3 of the Bury Unitary Development Plan 1997. As the policy generally accords with the amenity requirements of the *National Planning Policy Framework*, I afford it considerable weight. The examples within the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties 2010 are not directly relevant but the proposal does conflict with the advice that areas of decking should not result in undue overlooking.
 10. I have considered all the matters put forward by the appellant including the benefits to his family and the events that led to the current arrangements. However, I am not satisfied that there are any matters sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR

Appendix 2

