

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 14/03/2023	Ref: 68782/FUL
Registration: 15/08/2022	LDfC: 04/10/2022	Expiry Date: 10/10/2022
Site Visit: 31/10/2022	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: Retention of single storey Portakabin building for use as a storage facility

Location: Car park of Vets Now Hospital, 98 Bury Old Road, Whitefield, Manchester, M45 6TQ

Description

The application relates to a veterinary surgery and hospital which is located on a corner site at the junction of Thatch Leach Lane and Bury Old Road with the metrolink line running to the east.

The site is accessed via Bury Old Road which leads directly to a large car park at the side of the building with additional spaces to the front and along the elevation fronting Thatch Leach Lane.

There are a total of 40 parking spaces.

The application seeks consent for the siting of a single storey portable cabin type building for use as a storage facility. The building would be located in the northern corner of the site and the application form states that 4 parking spaces would be lost as a result of the siting of the building.

The storage unit would be single storey, cover a floor area of 21.32 sqm and constructed of metal cladding.

Relevant Planning History

01742/E - Proposed change of use from car showroom to 24 hour veterinary hospital. - Enquiry completed 09/11/2015

45904 - Extension to car sales showroom - Approve with Conditions 06/04/2006

59602 - Change of use from car showroom (Sui Generis) to veterinary hospital (Sui Generis) and external alterations - Approve with Conditions 22/02/2016

60384 - Non material amendment following granting of planning permission 59602 to upgrade the existing single glazed panels at the front of the unit to double glazing, resulting in additional mullions in the window openings - Approve with Conditions 02/08/2016

60398 - 1 no. internally illuminated totem sign; 1 no. internally illuminated fascia sign and 1 no. non illuminated fascia sign - Approve with Conditions 24/08/2016

15/0505 - Unauthorised advertisements - 15/12/2015

Publicity

Adjacent properties notified 12/9/22.

No responses received

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
EN8/2	Woodland and Tree Planting

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.

Siting and impacts on the area - The proposed storage facility would be sited in the

northern corner of the car park directly adjacent to the boundary with Thatch Leach Lane. The applicant states that the proposed location was chosen as this is the most practical and functional area of the site for such a facility and more readily accessible from the main building.

The site is at a higher level than Thatch Leach Lane and whilst the proposed container would be single storey as a portable cabin type, the building has a utilitarian and industrial appearance and being so close to the boundary with the main road and at the higher level, the building is visible from public views, more so Thatch Leach Lane. The build is partly screened by trees along the boundary to Thatch Leach Lane, but there are gaps in the planting, particularly in the Autumn and Winter when the trees are not in full leaf.

In order to limit the visual impacts of the building and aide a case for the LPA to support the development, the applicant has been encouraged to provide details additional planting along the boundary.

A revised plan has been received to indicate additional tree planting along the site boundary with Thatch Leach Lane. Details of the landscaping have not been provided and as such a condition would be recommended for the submission of details within 1 month of the grant of permission.

The applicant initially applied for a permanent consent but given the cabin is a portable type and not have the longevity of a more substantial construction and particularly given its siting and relationship to the road and public views, a temporary consent would be reasonable and which is also generally the norm for such development proposals. The applicant has asked for a 5 year consent but again, given the size, appearance and position in relation to the streetscene, a 3 year consent only in this case could be supported. The applicant would be encouraged to investigate a permanent solution for the future.

It is therefore considered that with the screening and landscaping and with a temporary consent, the proposed development would be acceptable and comply with EN1/2 and EC4/1.

Parking - The main parking areas are located to the south east and south west of the building although the parking does continue round to the northern corner where the cabin is sited.

Whilst the container would displace 4 parking spaces, 36 spaces would be retained for staff and visitors and this is considered to be a reasonable provision to support the existing business fir a temporary period.

The site is also in a highly accessible and sustainable area where different modes of transport other than cars could be used to access the site.

It is therefore considered that the siting of the proposed building would not have a significantly harmful impact on the visual amenity of the area and the level of parking which would continue to serve the vet use would be considered acceptable. The proposed development is therefore considered to comply with HT2/4.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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 Permission is hereby granted for a limited period only, namely for a period expiring 3 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.

Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.

- 2 This decision relates to drawings - Existing block plan RCVNELELBP; Revised Proposed location and block plan with planting RCVNELPLBP received 13/3/23; Specification drawing (proposed floor and elevation plan) DQ2692 rev D 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 Notwithstanding the submitted revised proposed location and block plan (submitted 13/3/23) within 1 month of the development hereby approved, details of the planting to the north west boundary of the site with Thatch Leach Lane shall be submitted to and approved by the Local Planning Authority. The details shall include native species of a semi-mature/mature type. The approved details shall thereafter be implemented within 3 months or the first available planting season following approval,; 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.

Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policy EN1/2 and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	14/3/23	DM	15/03/23