

DELEGATED REPORT

Report by Helen Leach	Date of report: 09/01/2023	Ref: 68952/FUL
Registration: 04/10/2022	LDfC: 16/11/2022	Expiry Date: 29/11/2022
Site Visit: 14/11/2022	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: Erection of a substation, 8no. ultra-rapid electric vehicle chargers and associated equipment

Location: Car park of Park 66, Pilsworth Road, Bury, BL9 8RS

Description

The application site forms the car park for the wider Park 66 site, which has been recently redeveloped for retail and commercial purposes. The existing car park serves the existing retail units and contains 385 spaces.

There is a supermarket to the north of the site and a coffee shop to the east with commercial units beyond. The existing retail units are located to the south with commercial units beyond and to the west of the site.

The proposed development involves the installation of 8 ultra rapid electric vehicle chargers and associated equipment across 12 spaces on the northern boundary of the car park.

Relevant Planning History

60998 - Mixed use development comprising 6046 m2 light industrial (Class B1(c), general industrial (Class B2) and storage/distribution (Class B8); 1340 m2 foodstore (Class A1); 2843 m2 other retail floorspace (Class A1); 2179 m2 gymnasium (Class D2); 2 No. 413 m2 cafe/hot food takeaway units (Class A3/A5) with drive thru facilities; Associated parking spaces, alterations to site access and associated works at Park 66, Pilsworth Road, Bury. Approved with conditions - 23 November 2017.

63886 - Erection of plant cage / compound containing air conditioning and refrigeration plant; formation of 2 no. openings in external cladding associated with same at Park 66, Pilsworth Road, Bury. Approved with conditions - 23 April 2019.

64850 - Erection of 23 no. individual storage units in 3 no. buildings at Units 3 & 4, Park 66, Pilsworth Road, Bury. Approved with conditions - 28 April 2020

Publicity

The neighbouring properties were notified by means of a letter on 25 October 2022. There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

EN1/11	Public Utility Infrastructure
EN4	Energy Conservation
EN7/1	Atmospheric Pollution
HT2/4	Car Parking and New Development
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.

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 - Policy EN1/11 states that the development of operational facilities for public utility provision will be permitted where this is necessary to implement the development objectives of this Plan or to meet relevant statutory obligations and environmental solutions,

and is consistent with other policies and proposals of the plan.

The proposed development involves the installation of 8 electric vehicle charging points, which would be available for public use. As such, the proposed development would be acceptable in principle and would be in accordance with Policy EN1/11 of the Bury Unitary Development Plan.

Design and layout - The proposed charge point would be located within a parking space, which would allow vehicles to charge in the spaces on either side. This ensures that the chargers are accessible to people with reduced mobility. The proposed chargers would be connected to 4 cabinets/buildings to the west of the parking spaces and all the proposed equipment would be a maximum of 2.3 metres in height. The proposed development is located on a retail park, which is adjacent to industrial buildings. As such, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would provide 8 spaces for electric vehicle charging, but would result in the loss of 4 spaces. 385 spaces are available for use at the retail park and as such, the loss of 4 spaces would not have a significant adverse impact upon highway safety. The Traffic Section has no objections to the proposed development. Therefore, the proposed development would be in accordance with Policy 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 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 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 the drawings received on 5 October 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 09/01/2022			