

DELEGATED REPORT

Report by Helen Pressley	Date of report: 01/02/2023	Ref: 69182/FUL
Registration: 15/12/2022	LDFC: 31/01/2023	Expiry Date: 09/02/2023
Site Visit: 25/01/2023	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: Demolition of existing communal bin store and Erection of fence line to form new bin store with associated hard standing.

Location: Grassington Court, Walshaw, Bury, BL8 3AW

Description

The application relates to a site off Grassington Court that is currently utilised as bin storage. The site is located to the west of an area of parking. The site is currently occupied by a flat roof, single storey brick building that is used to house bins.

Planning permission is sought for the demolition of the existing brick built unit, and for the construction of a fenced bin store area. The proposed fencing would reach a height of approximately 1.8 metres.

Relevant Planning History

None

Publicity

Neighbour letters sent 9/01/2023. No representations received.

Statutory/Non-Statutory Consultations

Waste Management - No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1 Built Environment

EN1/2 Townscape and Built Design

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.

Layout and Design

The existing brick built bin store does not appear to be large enough to accommodate all the required bins on site, and as such large bins are also located to the side of this building and are readily visible from the public realm. The removal of this store and the construction of a tarmac area, and fencing will allow for adequate space to store bins and rubbish, with an element of screening to ensure that this does not impact on the character of the street scene. Fencing is readily visible within the context of Grassington Court, and is used to depict areas of amenity space. The use of fencing is therefore considered to be acceptable.

In this instance therefore it is considered that the proposal would not have a detrimental impact on the character of the street scene and would therefore comply with UDP Policy EN1/2.

Residential Amenity

The amenity space for No.1 Grassington Court is located to the west of the proposed bin store area. The boundary of this amenity space is depicted by close boarded fencing. The proposed fencing would be located a similar distance from the boundary of this garden area, as the existing single storey flat roof building. As such it is considered that residential amenity would be maintained.

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

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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 drawings numbered 22/146/01 and 22/146/02A 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>
Helen Pressley	01/02/2023		