

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 19/12/2022	Ref: 68881/FUL
Registration: 12/09/2022	LDfC: 25/10/2022	Expiry Date: 07/11/2022
Site Visit: 28/10/2022	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 five shipping containers

Location: 6-9 Park Hill, Bury Old Road, Prestwich, Manchester, M25 0FX

Description

The site relates to land to the rear of a parade of shops known as Park Hill in the Bury Old Road/Kings Road Local Shopping Centre. Beyond the site, to the west are allotments/gardens and there is residential development to the north and south. The first floor of some of the shops are habited as residential flats.

The area behind the shops is used for the servicing and parking for the shops and there are also a number of permanent single storey brick builds and single shipping containers used for storage purposes in association with the businesses. There is a vehicular and pedestrian entrance/exit at either end of the shopping parade for access purposes.

The application relates to a supermarket, No 6-9 Park Hill , a commercial premises in the middle of the shopping parade, which seeks consent for the retention of 5 storage shipping containers in association with the business for the storage of goods. The containers have been installed on site without planning permission.

The containers have been located directly behind the property approx 9.2m away in the yard/servicing/parking area. The containers are positioned between two existing single storey brick builds. The containers have been stacked to a height of approx 5.8m, a width of 6m and depth of 7.2m.

A planning application ref 59720 was refused and dismissed on appeal for the retrospective retention of a shipping container on the advice of GMP as the container had been used to gain access to outbuildings which caused security issues (2016).

A subsequent planning application ref 60956 was submitted to relocate the container to a different part of the site away from other buildings. GMP raised no objection as it was considered the re-siting of the container did not represent security issues and the application was approved (2017)

Relevant Planning History

60956 - Relocation of storage container - Approved 10/2/17

59720 - Retention of storage container (Retrospective) - Dismissed at appeal 2/9/16

20/0090 - Installation of 5 no shipping containers- application received.

Publicity

Letters sent to 23 properties on 4/10/22. No responses received.

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Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal on lack of information with regards servicing, access and parking.

Environmental Health - Pollution Control - No response received

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
S1/5	Neighbourhood Centres and Local Shops
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict

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 layout - The containers have been sighted directly behind the applicant's premises, No 6-9 Park Hill in between two single storey brick builds. The containers would be more or less centrally positioned in the rear yard area and given the footprint of approx 43 sqm, the containers accommodate a sizeable part of the central yard area leaving little room for manoeuvring or access for cars and delivery vehicles.

The plans and application do not provide any information as to whether the containers would also be located on parking spaces which would be used by delivery vehicles and employees of the row of businesses.

The Highway Section have recommended refusal on the lack of information to understand impacts on the access, servicing and parking areas.

Whilst the applicant states that the containers are required for storage facilities for the supermarket, the containers are sizeable units and 5 units to serve the one shop would seem to be unnecessary without the applicant providing any reasoned justification for the scale of development. It is also not clear how the top containers would be accessed at such a high level.

It is therefore considered that given the scale of development and position within the yard area, the proposed development would be detrimental to the parking provision and the carrying out of servicing and deliveries to the businesses and therefore contrary to EN1/2, EC4/1 and HT6/2.

Residential and visual amenity impacts - The containers would be in a stacked formation, approx 5.8m high. Each container is in an extremely poor condition, discoloured and rusted in parts and generally appear unsightly. Stacked one on top of the other, the bulk form and appearance of the containers is both extremely unsightly, discordant and incongruous. Regardless that the site is behind the shops, the containers are still visible from outside the site and from occupiers of the shops and flats.

The containers would be approx 9.2m from a directly facing 1st floor flat above No 6 and within view of the other flats which are formed above this row of shops. Given the height of the stacked formation to almost 6m, the relationship of the containers to the residential units is considered unneighbourly and detrimental to their outlook.

It is considered that the proposed development would be seriously harmful to residential and visual amenity and therefore contrary to EN1/2 and EC4/1.

Other matters

The applicant directed the LPA to two previous applications for the site.

The first was for the retention of a single container. This was refused by the LPA and dismissed at appeal by the Inspector.

The second application sought to relocate the refused container. This was accepted as it was located in a different area of the site so as not to cause security concerns.

Given the application was for one container, to be painted a dark green and sited at the back of the service yard and not in a highly visible location, the application was approved.

This application is for a significant number of containers comparative to the single unit above.

Through the application process, the LPA engaged with the applicant and advised they re-consider their long term plans for storage facilities, significantly reduce the number of containers and/or relocate the containers elsewhere, as they would be located behind the rear of the shops, in direct site of residential properties and generally appear unsightly.

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The applicant has failed to suitably address the issues raised and as such the application is recommended for refusal based on the original submission.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by virtue of the height, size, appearance and position of the containers, would be seriously detrimental to the visual amenities of the site and surroundings. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 Townscape and Built Design and EC4/1 Small Businesses.
- 2 The proposed development would, by reason of its size, siting and appearance would be extremely unsightly and visually overbearing in relation to nearby residents. The proposed development is therefore seriously detrimental to the residential amenities of those residents and conflicts with the following policies of the Bury Unitary Development Plan: EC4/1 Small Businesses.
- 3 The proposed development by virtue of the siting and scale of containers would have an adverse impact on the servicing and parking arrangements and provision and would therefore be contrary to Bury Unitary development Plan Policies EN1/2 - Townscape and Built Design, HT2/4 - car parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	19/12/22		