

Description

The application is an existing and established Gypsy and Travellers site which has been operational for almost 30 years. It is located within an Employment Generating Area with surrounding uses comprising a Recycling and Recovery transfer station site to the west, a primary school to the north, a concrete unit to the east and to the south is a vehicle depot.

The existing site is set out with 17 no. pitches. Each pitch consists of a small utility block containing a small space for cooking, storage and bathroom facilities. Each pitch also provides an area of hardstanding to accommodate the tourer's and caravans owned and lived in by the families on the site. Close to the entrance of the site is a management block.

Planning permission was granted in January 2023 for the demolition of 17 no. existing Gypsy and Traveller pitches, amenity blocks and management blocks for the proposed redevelopment of the site to provide 12 no. permanent Gypsy and Traveller pitches including new amenity buildings and management block.

Amendments to the originally approved scheme are now being sought and comprise the following:

- Boundary treatments - relace a weldmesh fence to match other areas of the site
- Installation of gabions to stabilise the embankment to the SW boundary
- Replacement of 1.8m high with a 2.1m high timber fencing to separate each individual pitch and new internal 2.1m high timber fence.
- Site entrance - New secure sliding vehicular and pedestrian access gate
- Internal bin store - Proposed 1.5m high timber enclosure
- Artificial grass proposed to rear sections of the utility blocks. Turf/grass to be retained elsewhere on site.
- Utility block 3&4 to be relocated by 1m within the site
- All utility blocks - sun tunnels added to each bathroom.

The application has been submitted as a non-material amendment to the originally approved scheme (planning reference 67596).

Relevant Planning History

63628 - Installation of 2.3 metre high vehicular access gate/pedestrian access gate
- Approve with Conditions 22/02/2019

67596 - Demolition of 17 no. existing Gypsy and Traveller pitches, amenity blocks and management blocks for the proposed redevelopment of the site to provide 12 no. permanent Gypsy and Traveller pitches including new amenity buildings and management block. - Approve with Conditions 26/01/2022

Publicity

N/a

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 - The proposed amendments to relocate plots 3&4 by 1m and the proposals to the boundary treatments and entrance gate would not fundamentally change the site layout which was originally approved.

Visual amenity - It is proposed to increase the height of some boundary treatments from 1.8m high to 2.1m high, provide a gabion wall to the south west boundary and extend the palisade fencing across the front entrance and sliding gate which is set back into the site by approx 12m and as such it is considered visual impacts would not be significantly harmful.

All other amendments to landscape the rear of the utility blocks with artificial grass, bin store enclosures and sun tunnels (rooflights) to the utility blocks are considered minor changes which would not result in residential or visual amenity issues.

It is therefore considered the proposed amendments are acceptable and considered to be non-material to the approved scheme ref 67596