

**Town & Country Planning Act 1990
Section 78 Planning Appeal**

Written Statement

**APPEAL REF No. APP/T4210/W/23/3317199
LA REF No: 68881**

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

BURY COUNCIL

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1. Matters to note

The Inspector is respectfully directed to the Council's Officer Report submitted with the questionnaire which also forms the LPA's Statement of Case.

This document is in response to the Appellant's Appeal Statement.

2 The Council's Case and Comments on the Appellant's Grounds of Appeal

- At 4.2 and 7.5 - The Appellant references a previous application, ref 59720, for the retention of a storage container which was refused by the LPA on grounds of security and the ability to gain access to an adjacent building. The applicant appealed the decision which was dismissed by the Planning Inspector on security grounds only. Whilst the LPA and Planning Inspector did not raise issues of visual amenity impacts or residential impacts, (Appendix 1) it should be noted that there were significant differences between that application and this current proposal.
- Firstly, there was only one container and therefore it was low level and on a much smaller footprint. Secondly it was in a completely different position, to the rear of the service yard site next to the boundary, in a secluded location and significantly screened by established tree planting. Views of the container were very limited. The container was remote to any parking or servicing areas.
- Following the refusal and dismissed appeal of the above, a revised scheme (ref 60956) was submitted to relocate the container away from the building which caused the security concerns. That application was approved by the LPA. Security issues had been addressed and as the application was for a single low-level container positioned at the rear of the site, substantially screened and well away from the servicing and parking areas, it was considered to be an appropriate solution at the time for that particular development.
- The application subject to this appeal is a **very** much different set of circumstances, for 5 containers, double stacked in the centre of the servicing/yard area in an exposed and open location.
- At 1.4, the Appellant states that the development is subordinate in nature and low level. To the contrary, the containers are double stacked, and at 5.8m in height are higher than the height of a standard bungalow. Indeed, the applicant's plans (existing GA plans and elevations A1.1) show that the height of the containers protrude higher than the eaves level of the two storey shops opposite and are not far off the overall height of these commercial premises. The containers have a footprint area of approx. 43 sqm and cover a sizeable area of the servicing yard. The LPA therefore maintain the containers are over-bearing and dominant in terms of the height, scale and massing.
- Furthermore, visual impacts and the over-bearing nature of the containers is compounded by their siting more or less centrally within the servicing yard area.

- At 7.8 the Appellant states they would be agreeable to a condition to treat the external appearance of the containers. In their current form, the containers are in poor condition, rusted and discoloured. Regardless of any treatment applied to the external elevations, the LPA contend that as a built form in its entirety and given the scale and bulk, the containers are incongruous and discordant.
- At 7.11 reference is made to the relationship of the containers to the first-floor flats to the east, referring to the height of the containers as 'low-level' which would not impact on the outlook of occupiers. The LPA disputes this statement. The stacked containers result in a height of 5.8m and would equate to a build higher than a bungalow for example, and when assessing the applicant's plans only just lower than a 2-storey build resulting in an unacceptable bulk and massing when viewed from the flats and from other public areas, intensified by the unsightly and shabby appearance.
- At 7.20 and 7.21, the Appellant states the parking servicing area remain unaffected by the siting of the containers. The siting of the extensive footprint clearly displaces an area/areas which could be used for parking/servicing by other businesses. Deliveries made to the containers would require unloading and loading resulting in conflicts between other users accessing the site.

Other points to note

- At no point has the applicant demonstrated any need for the scale of development proposed, to serve a single shop unit in a Local shopping Area.
- No information provided to understand how the containers are accessed, particularly those at the higher level, or how the containers are safely serviced.

3 Conclusion

In conclusion, for the reasons detailed in the LPA's Decision Notice, the LPA therefore respectfully requests that the appeal be dismissed.

4. Suggested conditions/matters in the event the appeal is allowed.

- Permission granted for a temporary period, maximum 3 years, following which the containers are permanently removed from site and the land reinstated to its former condition.
- Externality of the containers to be painted/treated.
- Parking and servicing to be facilitated and controlled in the interests of highway safety.