

DELEGATED REPORT

Report by Helen Leach	Date of report: 10/05/2023	Ref: 69470/FUL
Registration: 28/03/2023	LDfC: 27/04/2023	Expiry Date: 23/05/2023
Site Visit: 04/04/2023	Site Notice: 04/04/2023	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of height restrictor barrier and bollards to car park

Location: Asda Stores Ltd, Pilkington Way, Radcliffe, Manchester, M26 3DA

Description

The application site relates to part of the car park for the Asda store and is located in the south eastern corner. The site contains 78 parking spaces, a trolley store and a coffee shoop with drive thru facility. The site is accessed from Sion Street via the junction with Pilkington Way, Sion Street and Dale Street. There is a pedestrian access to the north, which connects to Pilkington Way and a pedestrian access to the east, which connects to a riverside path.

The River Irwell forms the boundary to the east and there are commerical properties to the south and west of the site. Pilkington Way forms the boundary to the north with a superstore and bus station beyond.

The proposed development involves the installation of a height restrictor barrier and bollards within the car park. The proposed height restrictor would be located across the access and bollards would separate the mother and child spaces from the disabled parking bays.

Relevant Planning History

50518 - Walkways and balustrades to allow access to roof plant, small stairs added to walkways to allow safe access around the roof area (retrospective). Approved with conditions - 14 November 2008.

57496 - Construction of seasonal canopy at entrance to store. Approved with conditions - 27 May 2014

63751 - Erection of retail pod. Approved with conditions - 25 May 2019

64949 - Erection of drive thru coffee shop. Approved with conditions - 29 July 2020

Publicity

Site notices were posted on 4 April 2023.
There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Drainage Section - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/4 Street Furniture
HT2/4 Car Parking and New Development

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.

Impact upon surrounding area - The proposed development would involve the installation of a height restrictor barrier and bollards on a section of car park to the east of the superstore building. The proposed barrier would be 2.1 metres in height and would be painted red and white. Given the other paraphernalia within the car park, such as signage, trolley stores and fencing, the proposed height restrictor barrier would not be a prominent feature.

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The proposed bollards would be 1 metre in height and would be black with reflective strips at the top. The proposed bollards would be located between parking spaces and as such, would not impede pedestrian access or be a prominent feature.

Therefore, the proposed development would be in accordance with Policies EN1/2 and EN1/4 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be located well within the site. HGVs utilise a different access and as such, the proposed development would not restrict access. The Traffic Section has no objections to the proposal. The proposed development would not cause any highways issues and would not be detrimental to highway safety.

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 drawings numbered 4160 4504 PL01, 106-3-37491, Removable eco bollard, Car park eco bollard 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 - 10/05/2023		DM 11/05/23	