

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 21/11/2022	Ref: 68942/FUL
Registration: 03/10/2022	LDfC: 11/11/2022	Expiry Date: 28/11/2022
Site Visit: 31/10/2022	Site Notice: 31/10/2022	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 2no. rapid Taxi/PHV Electric Vehicle chargers and relocate and upgrade the existing fast charger on site.

Location: Trinity Street car park, Trinity Street, Bury, BL9 0BT

Description

The application relates to the public car park accessed from Trinity Street in Bury town centre.

The proposal is for the installation of 2no. rapid Taxi/PHV Electric Vehicle chargers and relocate and upgrade the existing fast charger on site.

The installation would comprise of 2 no. new 1.8m high 50 kW charger units and 1 no. (replacement and relocation) 22 kW charger unit and associated 2.3m high equipment cabinet. Four additional car parking spaces would be dedicated to electric vehicle parking (6 no. in total), which would be positioned adjacent to the north-east boundary with the footway to the west of Holy Trinity Primary School.

Relevant Planning History

N/A

Publicity

Advertised by site notice and direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
NPPF	National Planning Policy Framework

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.

Principle

The National Planning Policy Framework states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The Bury UDP pre-dates the advent of modern electric vehicles and so contains no policies specific to this type of development.

Given the position set out in the NPPF, the proposal would be acceptable.

Visual Amenity

Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The proposed charging points and associated equipment cabinet pillar would be located within the car park, and adjacent to the boundary with the footway routed between TTrinity Street and Cecil Street. The existing charging unit within the car park (would be removed as a consequence). The proposal would be viewed within the context car park and the wider mixed commercial/community character of the area and as such would not have an adverse impact on the character of the area.

Highways and Parking

The proposed charging points would not lead to the loss of any parking spaces, and would not impede the use of the car park by other vehicles.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

The development would not have any harmful impacts upon visual amenity or highway safety. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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 the drawings,
Site Location Plan (Dwg No. 1223-Bury-2641-Trinity ST-60-003 Rev. D1)
EV Charging Layout (Dwg No. 1223-Bury-2641-Trinity ST-60-002 Rev. D2)
Feeder Pillar (Dwg No. PWP2102996-GA-1 Rev. 1)
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.
- 3 The external materials used in the construction of the development hereby approved shall be as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u> DC	<u>Date</u> 21/11/2022	<u>Sign off Officer</u>	<u>Date</u>
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