

Planning Statement

Site Address: Land adjacent to 5 Crompton Street, Bury, BL9 0AD

Applicant: Crompton Living Limited

Date: February 2026

1. Introduction

This planning statement has been prepared in support of a planning application for the erection of a brick boundary wall, with metal access gates, to enclose an open parcel of land used as a private parking area by existing tenants of 5 Crompton Street. A separate certificate of lawfulness application has been submitted to Bury Council to evidence the established use as a parking area.

The enclosure will replace the existing parking area with a new amenity area for the existing tenants at 5 Crompton Street. This will include a cycle storage facility, bin store, landscaped and paved area.

The land is currently in the ownership of the Applicant (being a lessee with more than 7 years left on the leasehold) and there is a need to form a boundary wall to serve privacy and practical needs associated with the recent conversion of the building to residential use.

The Statement assesses design rationale, heritage impact and sustainability measures, in accordance with the National Planning Policy Framework (NPPF, December 2024), saved policies within the Bury Unitary Development Plan (1997) the Places for Everyone (PfE) Plan (2024) and any other material considerations.

The Application is also supported by a duly complete application form, correct fee, Design and Access Statement, Heritage Statement and the following drawings:

- Proposed Elevations
- Existing and Proposed Site Plan
- 1:1250 Site Location Plan

These drawings should be read alongside the Planning Statement.

2. Site and Surroundings

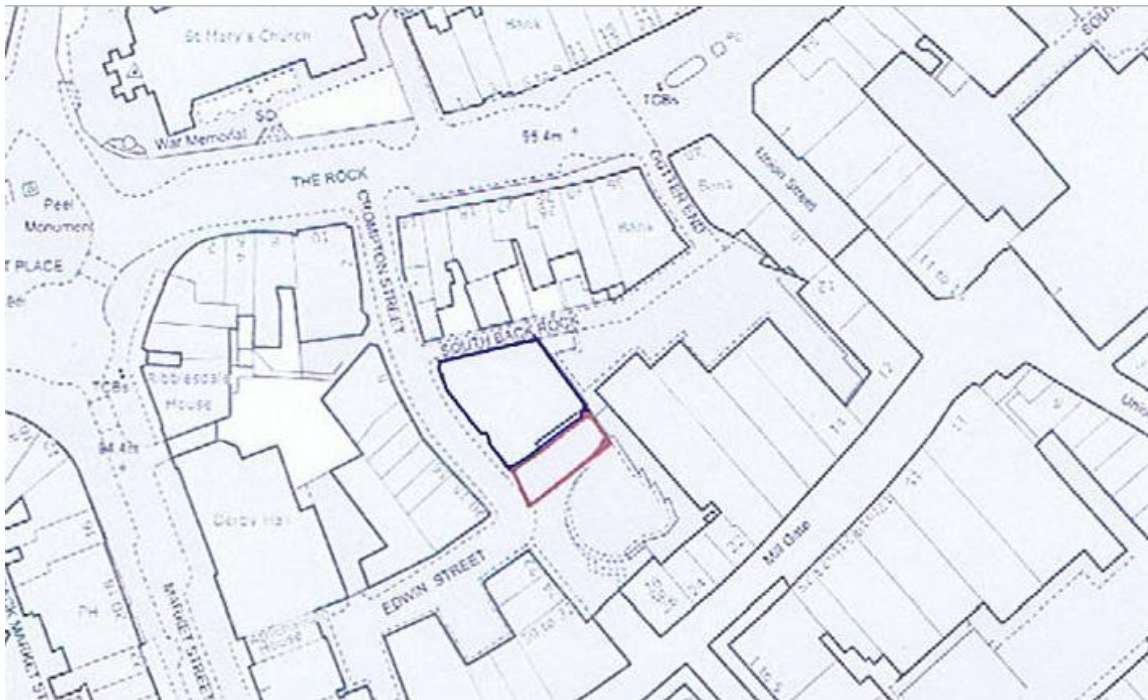
The site is approximately 150 square metres and relates to an open paved car parking area in the Bury Town Centre Conservation Area. Access into the site is via a dropped curb off Crompton Street.

The ground surface comprises block paving and paving slabs. At the rear of the site, there is a section of grey metal screening, two decorative stone lion features, and three small panels mounted on a red brick wall. The plaques and lions are not listed nor protected; however, they are a valued characteristic of the site.

The site lies adjacent to 5 Crompton Street and has a drop curb to allow vehicular access. 5 Crompton Street is not listed but has been referenced within the Town Centre Conservation Area Appraisal as having architectural merit.

5 Crompton Street is owned by Crompton Living Ltd, whilst the adjoining car park is leased and controlled by Crompton Living Ltd. Figure 1 shows the site (in red) and 5 Crompton Street (in blue) for context.

Figure 1 – Site Location



The parking area is located adjacent to an area known as Lions Gardens, which is arranged in a circular layout. This space is raised by approximately three steps, forming a platform that incorporates seating around its perimeter.

The site occupies a position at the end of Crompton Street, with a row of shops situated opposite and the pedestrian entrance to the nearby Mill Gate Shopping Centre located to the south.

3. Background

5 Crompton Street, the adjacent building, has recently been converted into residential flats under a prior approval notice (ref. 69480) and is now fully occupied. Windows on the south-east elevation directly overlook the application site, with several openings at ground and first floor level facing

the parking area. This relationship results in very limited privacy, security and environmental protection for residents.

Although the site is under the Applicant's ownership and control, it is readily accessible to the public. Since occupation of the residential units, there have been persistent incidents of noise, anti-social behaviour, loitering and trespass within the site, particularly during evening and night-time hours. These activities have had a demonstrable adverse impact on residential amenity, including disturbance, perceived lack of safety, and loss of privacy.

The site has also attracted rough sleeping, informal encampments and littering. Complaints have been raised by residents regarding individuals congregating immediately outside habitable room windows, generating noise late into the night and leaving refuse. This has resulted in an environment that is neither conducive to residential living nor consistent with good design principles.

Temporary Heras fencing has therefore been installed as an immediate mitigation measure. This has proven effective in reducing unauthorised access, improving residents' sense of security, and limiting anti-social behaviour. However, such fencing is visually poor, not designed for long-term use, and does not represent an appropriate or durable solution.

Without a secure permanent boundary treatment, the site is highly likely to continue to attract unauthorised occupation and associated disturbances. Figure 2 demonstrates the existing situation, including a tent erected adjacent to the fencing. Prior to the installation of the fencing, similar encampments repeatedly occupied the site, causing significant distress to residents.

The Applicant has also been approached on several occasions by the management of the nearby shopping centre regarding littering and loitering associated with the unsecured site. They have expressed full support for measures that would secure the land and prevent further nuisance.

Figure 2 – Existing Site



4.

Permitted Development Fallback — GPDO 2015 (as amended)

As a permanent solution to the ongoing amenity and security issues affecting neighbouring residents at 5 Crompton Street, the Applicant intends to secure the site using permitted development rights available under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

The site is not subject to any known planning restrictions that would remove or limit these rights. In particular:

- The site is not within the curtilage of a listed building.
 - The proposal does not affect any listed structure.
 - The enclosure does not facilitate a material change of use.
 - There are no Article 4 Directions affecting the site.
 - The land is not within a designated area where additional restrictions would apply.
- No change of use will occur as a result of the enclosure.

Accordingly, permitted development rights under Schedule 2, Part 2, Class A of the GPDO remain intact.

Relevant Permitted Development Provision

Schedule 2, Part 2, Class A permits:

“The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.”

Development is not permitted where height thresholds are exceeded, specifically:

- **Adjacent to a highway used by vehicular traffic:** maximum height of 1 metre above ground level (2 metres in the case of schools)
- **Elsewhere:** maximum height of 2 metres above ground level

Application to the Proposed Enclosure

The proposed boundary treatment has been carefully designed to comply fully with these limitations:

- **Frontage to the highway:**

A wall and pedestrian and vehicular access gate not exceeding 1 metre in height above ground level will be provided, in accordance with Class A.1(a)(ii).

- **Side boundary (not adjacent to a highway):**

A wall not exceeding 2 metres in height above ground level will be constructed, compliant with Class A.1(b).

- **Rear wall**

Retain existing 2 metre wall and repair where required.

No element of the enclosure would exceed the applicable height thresholds. The development therefore falls squarely within the scope of permitted development.

4. Proposed works

Section 3 demonstrates that the Applicant could erect a compliant parking enclosure without the need for planning permission. However, the Applicant wishes to deliver a higher-quality solution. This scheme offers benefits beyond what could be achieved under Class A alone, including improved design quality, visual coherence and long-term management of the site.

In summary the proposal comprises the following works:

Front Wall:

The proposed wall will be constructed using brickwork that matches the existing building and adjacent rear wall (**Figure 3 below**) in terms of colour, texture, and bonding pattern. Stone coping is proposed on the head of the brick wall. This ensures visual continuity and respects the character of the Conservation Area.

Figure 3 – Rear wall



The proposed brick wall would measure approximately 2 metres in height. In order to complement the existing rear wall, it would also include piers with coping/pyramid caps. This additional projection will be 2.3 metres.

This scale has been carefully considered to provide the necessary level of privacy and security for adjoining residential properties while avoiding an overbearing or dominant appearance. The height is consistent with boundary treatments typically found within urban environments and would remain proportionate to surrounding structures.

A 2-metre-high black metal vehicular gate is proposed at the front of the site. In addition, a separate pedestrian access gate and a further gate serving the proposed bin storage area are also included within the scheme to ensure functional and secure access arrangements.

Although the front boundary treatment would exceed 1 metre in height, the use of painted metal railings with an open design ensures that visibility into and through the site is retained from the public highway. This approach maintains passive surveillance, preserves the sense of openness, and reflects a traditional boundary treatment commonly found within town-centre settings.

Figure 4 – Front Elevation



Side Wall

The wall would remain at 2 metres as permitted under the GPDO (2015) however in order to complement the existing rear wall, the new wall would include piers with coping/pyramid caps. This additional projection will be 2.3 metres.

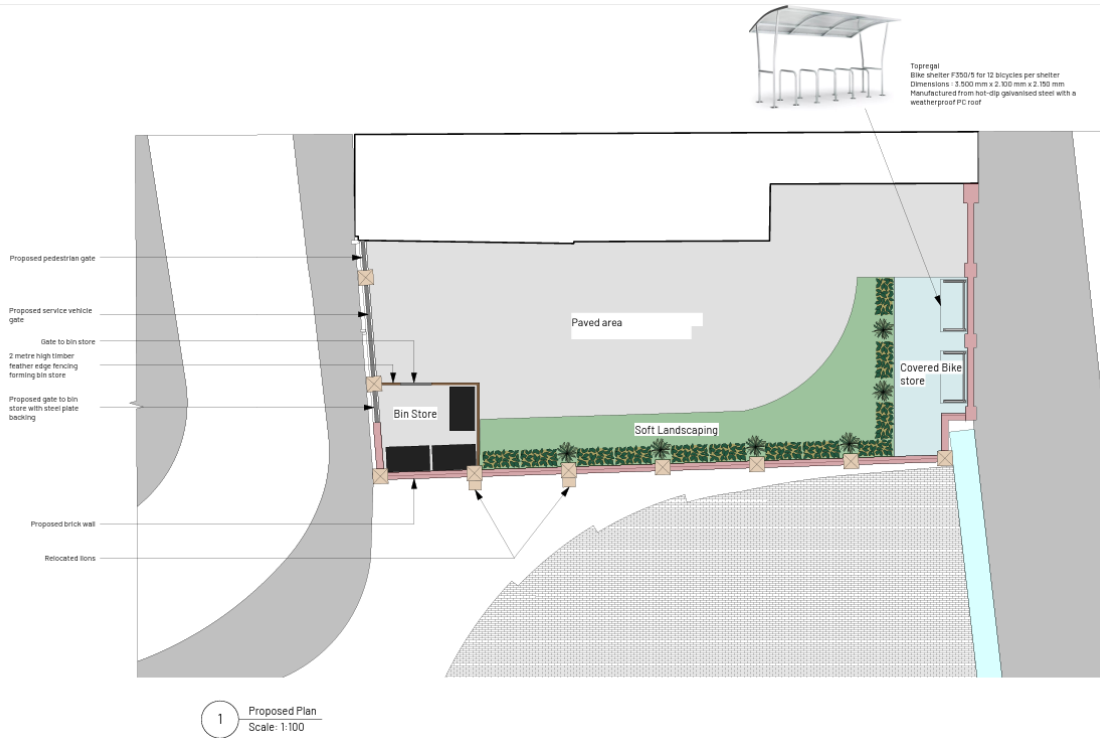
Bin and Cycle stores:

Bin and cycle stores will serve the apartments as shown in Figure 5 below. The bin store is in timber and sits behind the steel backed railing gate, ensuring the bins are not visible from the street. The covered bike store is to the rear of the space.

Landscaping:

An area of soft landscaping is proposed as shown in Figure 5.

Figure 5 – Internal Layout



4. Planning Policy

This Section of the statement sets out the legislative policy context as it relates to the proposal and explains how they accord with the most recent national and local policy guidance. In line with national policy, planning applications must be determined in accordance with the context of the Development Plan ‘unless material considerations indicate otherwise’ (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

In the context of Section 38(6) of the 2004 Act, the Table 1 includes analysis of the merits of the application against the relevant policies of both the NPPF, the adopted PfE and the saved policies within the adopted Bury UDP together with other relevant material planning considerations.

The NPPF states that policies within it are material considerations and that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. For simplicity, just the UDP and PfE Policies will be referred to in more detail in Table 1, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

The relevant Paragraphs of the NPPF are:

- **Promoting healthy and safe communities - Section 8 (Paragraph 96b, 102a 103 and 104)**
- **Making effective use of land – Section 11 (Paragraphs 124 – 128)**
- **Achieving well-designed places - Section 12 (Paragraph 135)**

- **Conserving and Enhancing the Historic Environment — Sections 16
(Paragraphs 207 - 221)**

Table 1 – Policy Review

Policy name	Relevant Policy wording extract	Proposal compliance
Places for Everyone Joint Development Plan Document (PfE)		
Policy name	Relevant Policy wording extract	Proposal compliance
Policy JP-Strat14: A Sustainable and Integrated Transport Network	<i>“The transport network will be improved so that half of all daily trips can be made by public transport, cycling and walking, especially those shorter journeys around neighbourhoods....</i> <i>New development will have a significant role in delivering our future sustainable and integrated transport network in order to reduce car dependency and increase levels of walking, cycling and public transport.”</i>	The provision of the bike store will encourage cycling.
Policy JP-P1 Sustainable Places	<i>“We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with:</i> <i>1. Distinctive with a clear identity that:</i> <i>A) Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;</i> <i>B) Enables a clear understanding of how the place has developed; and</i> <i>C) Respects and acknowledges the character and identity of the</i>	In relation to point 1, the proposed wall has been designed using traditional materials and proportions typical of historic boundary treatments. It would replace visually poor temporary fencing and reduce evidence of neglect, encampment and anti-social activity that currently detracts from the character of the Conservation Area. Accordingly, the proposal would: • Preserve the character and appearance of the Conservation Area

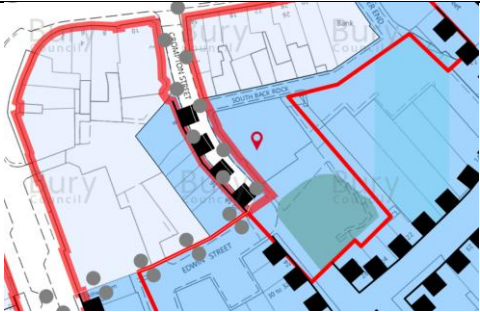
	<i>locality in terms of design, siting, size, scale and materials used</i> 2. Visually stimulating, creating interesting and imaginative environments which raise the human spirit through the use of green space, public art and quality design 3. <i>Socially inclusive:</i> A) <i>Responding to the needs of all parts of society;</i> B) <i>Enabling everyone to participate equally and independently;</i> C) <i>Providing opportunities for social contact and support; and</i> D) <i>Promoting a sense of community</i> 4. <i>Resilient, capable of dealing with major environmental events</i> 5. <i>Adaptable, able to respond easily to varied and changing needs and technologies</i> 6. Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained	- Reinforce traditional enclosure patterns. - Improve visual quality relative to the existing situation. The proposed wall will be constructed using brickwork that matches the existing building and adjacent rear wall in terms of colour, texture, and bonding pattern. Stone coping is proposed on the head of the brick wall to mirror the rear wall. This ensures visual continuity and respects the character of the conservation area. In relation to point 2, two historic plaques and lion sculptures currently located on the site will be sensitively repositioned to face into the newly enclosed space. This preserves their visibility and heritage value while integrating them into the new residential context. In relation to point 6 the proposal will utilise materials that are known to be robust and will ensure that they match the existing wall materials. The proposed materials will be submitted to the Local Planning Authority for approval as part of a planning condition.
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	7. <i>Resource-efficient with: A. A low carbon footprint; B. Efficient use of land; C. Minimised use of new materials; D. High levels of recycling</i> 8. <i>Safe, including by designing out crime and terrorism, reducing opportunities for anti-social behaviour and by ensuring that developments make appropriate provision for response and evacuation in the case of an emergency or disaster.</i> 9. <i>Supported by critical infrastructure, such as energy, water and drainage and green spaces</i> <i>10. Functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage</i> 11. <i>Incorporating inclusive design within all spaces with support for tackling inequality and poverty to form part of creating sustainable places</i> 12. <i>Legible, being easy to understand and navigate, with the protection and enhancement of key views and</i>	In relation to point 8, the proposal addresses an evidenced pattern of anti-social behaviour, rough sleeping, littering and disturbance affecting nearby residents. Securing the site represents good urban management and crime-prevention design. In relation to point 10, the proposals include refuse storage facilities. In relation to point 16 the wall will ensure that the private and public space is clearly distinguished. Any minor change to openness must be balanced against these public benefits.
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	<i>new development well-integrated into the place</i> <i>13. Easy to move around for those of all mobility levels, particularly by walking and cycling, with enjoyable routes free from obstacles and disorienting stimuli, and with places to rest</i> <i>14. Well-connected to other places, particularly by public transport and digital infrastructure enabling everyone to take advantage of the employment, cultural and leisure opportunities across Greater Manchester and beyond</i> <i>15. Comfortable and inviting, with indoor and outdoor environments: A. Offering a high level of amenity that minimises exposure to pollution; and B. Addressing microclimate issues such as sunlight, indoor air quality, overheating, shade, wind and shelter</i> 16. Incorporating high quality and well managed green infrastructure and quality public realm, with: <i>A. Opportunities for recreation and outdoor play for children, and interaction between the generations; B. Public and private</i>	
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	<i>spaces clearly distinguished; C. Development clearly defining, and promoting activity within, public spaces; D. High quality landscaping with schemes</i> <i>17. Well-served by local shops, services and amenities, including education and health facilities</i>	
Policy JP-P2: Heritage	<i>We will proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct character, identity and sense of place.</i> <i>Particular consideration will be given to ensure that the significance of key elements of the historic environment which contribute to Greater Manchester's distinctive identity and sense of place are protected from harm. These include historic town centres, places of worship, historic transport routes including the canal network, industrial buildings and structures including textile mills, farmsteads and other sites, buildings, and areas of identified archaeological, architectural, artistic and/or historic value.</i>	The application site is directly adjacent to a building of some character in the town centre, whilst not Listed has some notable architectural merit, being mentioned specifically in the Town Centre Conservation Area Appraisal. A heritage statement has been submitted to evidence that the proposal will have no harm on any heritage assets. Boundary walls are a traditional component of historic townscape character. The proposed brick wall and piers would: • Use appropriate materials and detailing. • Provide visual solidity consistent with historic enclosures. • Improve townscape coherence.

	<i>Development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy. Where heritage assets have been identified as being at risk, Local Plans should identify specific opportunities for them to contribute to regeneration and placemaking, and they should set out strategies for their repair and re-use. Development proposals which will help safeguard the significance of and secure a sustainable future for Greater Manchester’s heritage at risk will be supported in principle, provided they are not contrary to national policy or other policies in the development plan.</i> <i>Proposals should be informed, as necessary, by the findings and recommendations of the appropriate heritage assessment(s) in the development plan evidence base and/or any updated heritage assessment submitted as part of the planning application process.</i>	• Prevent littering and other anti-social behaviours which harm the Conservation Area The open metal frontage maintains visual permeability, preventing a sense of defensive enclosure and preserving views across the site. Overall, the development would not harm the character and appearance of the Conservation Area.
Policy JP-G6: Urban Green Space	<i>To ensure there is an appropriate scale, type, quality and distribution of accessible urban green space that can support a high quality of life and other important green infrastructure functions:</i> <i>- existing urban green space will be protected and enhanced in balance with other considerations; and</i>	The site lies adjacent to Lions Garden which is ‘Protected Open Space in Town Centres’ under policy TC1/1 as shown in the extract below. The site lies outside of this area and is currently used for parking; however, it’s impact on the openness has been considered.

	<i>-we will work with developers and other stakeholders to deliver new high quality urban green spaces.</i> <i>Development should be designed to support the positive use of nearby green spaces, such as by offering a high-quality setting, providing natural surveillance, and facilitating easy access by walking and cycling.</i>	 The proposal would not result in any loss of public open space, nor would it restrict public access to Lions Gardens or alter established pedestrian routes. Although the land has historically been accessible, it has not functioned as formal public open space and remains under private control as a parking area. The development therefore formalises an existing situation rather than removing publicly designated land. The enclosure would improve the setting of the adjacent open space by preventing littering, encampments, and anti-social behaviour that currently detract from environmental quality.
UDP (1997)		

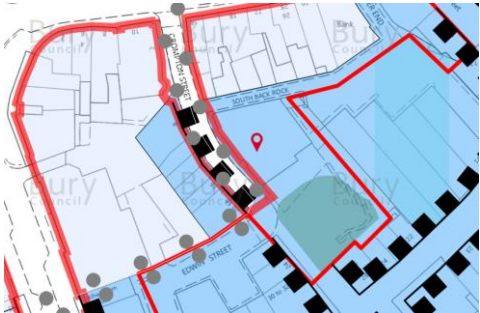
H3/2 - Existing Incompatible Uses	<i>Where existing incompatible uses operate within residential areas, the Council will seek to ensure that any existing conflicts are resolved where possible and where opportunities arise. In particular the Council will encourage and, where appropriate, implement measures to: control future land uses so as to minimise or remove conflicts; control the intensification or expansion of non-conforming uses where possible; control the operation of adjacent uses where possible in order to minimise areas of conflict and potential nuisance; introduce environmental improvements or traffic management schemes where appropriate. Only as a last resort will the Council consider the relocation of incompatible uses.</i>	5 Crompton Street, the adjacent building, has recently been converted into residential flats under a prior approval notice (ref. 69480) and is now fully occupied. Windows on the south-east elevation directly overlook the application site, with several openings at ground and first floor level facing the parking area. This relationship results in very limited privacy, security and environmental protection for residents. Although the site is under the Applicant's ownership and control, it is readily accessible to the public. Since occupation of the residential units, there have been persistent incidents of noise, anti-social behaviour, loitering and trespass within the site, particularly during evening and night-time hours. These activities have had a demonstrable adverse impact on residential amenity, including disturbance, perceived lack of safety, and loss of privacy. The site has also attracted rough sleeping, informal encampments and littering. Complaints have been raised by residents regarding individuals congregating immediately outside habitable room windows, generating noise late into the night and leaving refuse. This has resulted in an environment that is neither conducive to
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		residential living nor consistent with good design principles and the development plan. Without a secure permanent boundary treatment, the site is highly likely to continue to attract unauthorised occupation and associated disturbances. Lions Gardens, the adjacent raised seating area, is used by the public as open space and this would remain fully accessible and unaffected by the proposal. The proposal only seeks to formalise an already privately controlled area. The development therefore: • Does not result in the loss of public open space. • Does not prevent public access to the main Lions Gardens • Does not affect public routes and gathering spaces. The justification for Policy H3/2 states that: <i>“a wide variety of non-residential uses exist in areas which are residential in nature. These uses may include corner shops, doctors’ surgeries, community facilities and</i>
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		<i>established industrial/commercial concerns which in their own way provide valuable benefits to the local population. It is necessary, however, to ensure that existing non-residential uses do not detract from the amenity of neighbouring residents by virtue of such factors as hours of operation, parking arrangements, traffic generation, noise and pollution. Where nuisance does occur, the Council will seek to ensure that any harmful effects are mitigated through its development control powers and the enforcement of the appropriate regulations, including planning conditions and environmental health standards. In extreme cases it may be necessary for the Council to seek the re-location of the offending use.”</i>
EN1/2 - Townscape and Built Design	<i>The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include: the external appearance and design of the proposal in relation to its height, scale, density and layout; the relationship of the proposal to the surrounding area; the choice and use of materials; access and other design features for the mobility impaired; the design and appearance of access, parking and service provision; landscaping, including the use of</i>	The proposal respects and continues the architectural detail of the existing rear wall, incorporating piers with coping stone and matching brickwork. Although the front boundary treatment would exceed 1 metre in height, the use of painted metal railings with an open design ensures that visibility into and through the site is retained from the public highway. This approach maintains passive surveillance, preserves the sense of openness, and reflects a traditional boundary treatment commonly found within town-centre settings.

	<i>natural landscape features, and open space provision; the use of lighting.</i>	The gates will restrict and limit vehicular access onto the site. Cycling, bin storage and landscaping is also proposed to enhance the space for residents.
EN1/5 - Crime Prevention	<i>The Council will encourage development proposals which include environmentally sensitive design features aimed at discouraging crime. In assessing development proposals particular attention will be paid to the: use and creation of defensible space; creation of opportunities for natural surveillance; location and design of street lighting; location of footpaths and access points; location and design of parking facilities; design of landscaping.</i>	The proposal addresses an evidenced pattern of anti-social behaviour, rough sleeping, littering and disturbance affecting adjacent residents. Securing the site represents good urban management and crime-prevention design.
EN1/6 - Public Art	<i>The Council will encourage the incorporation of works of art in appropriate new developments.</i>	Existing plaques and lion sculptures would be retained and repositioned as part of the scheme. Their relocation would preserve their visibility and ensure their continued contribution to local character within a managed setting.
EN2/1 - Character of Conservation Areas	<i>The Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. The Council will be especially concerned with encouraging and, where appropriate, implementing measures to: retain, replace and restore features of historical and architectural interest; retain and enhance existing landscape features including trees, parks and gardens; initiate</i>	The development would preserve and enhance the Conservation Area by: • Removing unsightly temporary fencing • Reinforcing traditional boundary treatments • Improving environmental quality • Reducing activities that detract from character.

	<i>and promote environmental improvement/enhancement schemes such as landscaping, refurbishment of street furniture, traffic management and pedestrian schemes; remove dereliction and bring unused land or buildings back into beneficial use; prepare and promote design guidelines to ensure sympathetic development.</i>	The proposal represents an environmental improvement consistent with the objectives of conservation area management. A heritage statement is submitted which demonstrates that the enclosure does not harm any heritage assets.
EN2/2 - Conservation Area Control	<i>Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. In considering proposals for development in Conservation Areas, regard will be had to the following criteria: the nature of the development in terms of its bulk, height, materials, colour, design and detailing; the relationship between the proposed development and the architectural and visual qualities of the surrounding area; where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished; in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.</i>	The enclosure has been carefully designed in terms of scale, materials, detailing and relationship to surrounding buildings. It reflects traditional boundary forms commonly found within historic urban settings. A heritage statement demonstrates that the proposal would not harm the architectural and visual qualities of the area and would not harm the character or appearance of the Conservation Area.
TC1/1 - Open Space in Town Centres	<i>Within the Town Centres the Council will protect identified areas of open space which provide:</i>	This policy has regard to the value of open space, not only as an amenity, but also for its contribution to the conservation of the

	a)<i>an important element in civic design;</i> b)<i>valuable visual amenity;</i> c)<i>important outlets for recreation;</i> d)<i>valuable wildlife habitats; or</i> e)<i>act as buffers between incompatible uses or provide links between other open land areas”.</i>	natural and built environment of the Borough. The site lies adjacent to Lions Garden which is ‘Protected Open Space in Town Centres’ under policy TC1/1 as shown in the extract below. The site lies outside of this area and is currently used for parking; however, it’s impact on the openness has been considered.  It is firstly important to note that although the site lies adjacent to Lions Garden and can be accessed by the public, the application site is within the ownership of the applicant (on a long lease from the Millgate) and therefore use or access by members of the public could be restricted under permitted development rights (i.e. a 2 metre wall adjacent to this space). The question is therefore whether the increase of a 0.3 height would be acceptable. As this increase is solely to provide piers and
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		coping stones to match the existing rear wall and provide a better designed wall, it is considered that this is compliant with the policy. Additionally, the provision of the relocated plaques on the outward facing wall is considered to improve Lions Garden. Whilst the intention of this policy (point e) is to protect open space which ‘act as buffers between incompatible uses’, the open space itself is introducing an incompatible use. The adjoining building at 5 Crompton Street contains residential flats with windows directly overlooking the site. The open nature of the land has resulted in persistent disturbance from: • Noise • Trespass • Rough sleeping • Loitering • Littering The existing openness is allowing an incompatible use and therefore the enclosure is necessary. Lions Gardens would remain fully accessible and unaffected by the proposal. The proposal only seeks to formalise an already privately controlled area. The development therefore:
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		• Does not result in the loss of public open space. • Does not prevent public access to Lions Gardens • Does not affect public routes.
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5. Material Considerations

The following matters are material considerations to which the Council should have regard in determining this application.

Human Rights

All planning applications must be considered in accordance with the Human Rights Act 1998.

Article 6 provides the right to a fair hearing for both the Applicant and any third parties who have made representations. Articles 8 and Article 1 of the First Protocol provide a right to respect for private and family life and a right to the peaceful enjoyment of possessions, including a person's home and property interests.

The proposal seeks to safeguard the privacy, security and living conditions of residents occupying 5 Crompton Street, whose habitable room windows directly overlook the site. The enclosure would reduce disturbance, intrusion and perceived insecurity arising from uncontrolled public access. In this context, the development represents a proportionate intervention in the public interest and supports the protection of residents' rights under the Act.

Crime and Disorder Act 1998

Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to exercise their functions with due regard to the likely effect on crime and disorder in their area and to do all that is reasonably possible to prevent such issues.

The open and accessible nature of the site has resulted in documented incidents of anti-social behaviour, trespass, rough sleeping, noise disturbance and littering. Securing the site through a permanent enclosure would significantly reduce opportunities for crime and disorder and improve perceptions of safety for residents and the wider public.

The proposal therefore accords with the Council's statutory obligations under the Act and constitutes a positive measure in the public interest.

Permitted Development Fallback

Under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the Applicant could erect an enclosure within specified height limits without the need for planning permission.

This represents a clear and realistic fallback position, which is a material planning consideration. Refusal of the current proposal would not prevent the site from being enclosed but could result in a less coordinated and potentially less visually appropriate outcome.

The application before the Council seeks to deliver a higher-quality, permanent and carefully designed solution.

6. Planning Balance

When assessed against national policy, statutory duties and local planning objectives, the proposal delivers substantial positive outcomes:

Benefits

- Protection and enhancement of residential amenity
- Prevention of unauthorised parking
- Reduction in anti-social behaviour and trespass
- Improved safety and perceptions of security
- Enhancement of the Conservation Area's character
- Improved setting of Lions Gardens
- Replacement of unsightly temporary fencing
- Improved long-term site management.

Limited Impacts

- Reduction in visual openness of a private site
- Introduction of a permanent boundary structure

These impacts are modest and are clearly outweighed by the significant public benefits identified above. Furthermore, the fallback position under permitted development rights indicates that similar impacts could arise in any event.

7. Overall Conclusion

Having regard to the scale of the adjacent building at 5 Crompton Street and the surrounding urban context, the proposed front boundary walls, pillars, railings and gates would not appear disproportionate in terms of height, scale or appearance. The development would not dominate the character of the area nor appear visually intrusive.

The proposal would not harm the character or appearance of the Conservation Area and would represent an improvement over the existing temporary fencing.

The permanent enclosure is necessary to:

- Safeguard the living conditions and privacy of residents.
- Prevent anti-social behaviour, trespass and rough sleeping.
- Improve safety and perceptions of security.
- Protect the site from misuse and environmental degradation.
- Provide a durable, high-quality boundary treatment.
- Support effective long-term management of the site.
- Restrict unauthorised parking.
- Enable the provision of bin storage and cycle facilities for residents.

The proposal therefore represents a proportionate and reasonable response to an evidenced problem affecting both residential amenity and the wider environment.

Importantly, the development:

- Preserves the character and appearance of the Conservation Area
- Does not result in the loss of public open space.
- Enhances the setting of a locally important feature.
- Improves safety, security and environmental quality.
- Complies with the objectives of the National Planning Policy Framework
- Aligns with local planning priorities for design and amenity.

While the enclosure would introduce a physical boundary between Lions Gardens and 5 Crompton Street, its impact is limited because:

- The site is privately owned land.

- Public routes remain unaffected.
- Open railings maintain visual permeability.
- The proposal formalises an already controlled area.
- Unauthorised vehicular access would be prevented.
- Permitted development rights allow enclosure in any event.

Any perceived loss of openness is therefore modest and clearly justified by the substantial public benefits.

The proposal represents a necessary, proportionate and well-designed intervention to secure a vulnerable urban site and protect neighbouring residents. It complies with the development plan when read as a whole and would contribute positively to the economic, social and environmental conditions of the area.

Planning permission should therefore be granted.

HESTIA TOWN PLANNING