

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 26/06/2023	Ref: 69383/FUL
Registration: 03/05/2023	LDfC: 02/06/2023	Expiry Date: 28/06/2023
Site Visit: 15/05/2023	Site Notice: 15/05/2023	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: Erection of storage container for use as storage

Location: Clarence Park, Milner Avenue, Bury, BL9 6NG

Description

The proposal relates to a site at the immediate south side of angling class/clubroom, adjacent to the lido at Clarence Park. The site relates to an area of grass enclosed by boundary walls and iron railings. The site falls within the Greater Manchester Green Belt.

The proposal is for the siting of a steel storage container that would measure 6.06m long x 2.44m wide x 2.59m high. It would be placed on flags set upon a levelled platform.

The proposal is necessary due to a growth in the membership of angling coaching programme run by Ramsbottom Angling Association. The existing clubhouse, which was extended and improved for angling storage purposes in 2016 (having formerly been a boathouse), is now too small to accommodate the quantity of fishing equipment that is required to service the very successful angling club programme.

The applicant acknowledges that an extension to the club is preferable, but that this will take time to plan and source funding, when a short term solution is necessary.

Relevant Planning History

43714 - Erection of 2.4m high palisade fence and gates. Refused 19/01/2005.

43982 - Erection of 2.4m high securifor fence and gates - Approve with Conditions 14/03/2005.

55564 - Extension to existing boat house to provide a classroom/clubroom and accessible toilet; Conversion of 4 no. existing parking bays to 2 no. disabled parking bays; Creation of accessible footpath along side of lido and installation of 10 no. 2.4 metre long sections of knee rail around lido - Approve with Conditions 24/09/2012.

Publicity

The proposal has been advertised by direct neighbour notification and site notices. No representations have been received.

Statutory/Non-Statutory Consultations

Property & Technical Services - Estates Consultancy: No comments received.

EDS Head of Parks and Countryside: No comments received.

Environmental Health - Contaminated Land: No objection.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/1	Visual Amenity
OL1/2	New Buildings in the Green Belt
RT1/2	Improvement of Recreation Facilities
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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.

ASSESSMENT

Principle

The container is required, principally to provide additional storage space for angling equipment as a direct consequence of the growth and success of the community coaching programme run by the Angling Association, having now fully utilised the existing storage space within the existing building.

The proposal would constitute an improvement to outdoor recreational facilities and therefore would be acceptable in principle and comply with the NPPF and UDP Policies RT1/2 Improvement of Recreation Facilities.

Impact on the openness of the Green Belt

The NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, unless an exception is applicable. As the proposal is for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, the proposal is acceptable in principle, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed container would be relatively minor in scale and would be largely set against the back drop of the existing building in views on approach from the car park. Principal views towards the site from within the park would be screened by the existing building. The proposal would therefore preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposal would not therefore conflict with the relevant UDP policies or the NPPF.

Impact on visual amenity

The site is located in an attractive parkland setting, but not within any landscape designations as identified in the UDP.

Whilst the elevations would be finished in a green colour, the utilitarian steel finish of a typical storage container would be harsh and would jar with the immediate attractive setting. Therefore, the applicant is agreeable to the imposition of a condition that would require that the container is clad in trellis/timber panelling to soften its appearance.

The proposal would therefore comply with UDP Policy EN1/1.

Other matters

The container would be sited outside of the root protection area of the nearest mature tree.

Given that the container is not a permanent structure and may degrade over time, it is considered appropriate to restrict consent to a period of 3 years. After this time the applicant would be required to remove the container and associated structures (base and enclosure) or submit a further planning application for its continued retention.

Conclusion

Given the temporary nature, scale of the proposal, it is considered to be, on balance, acceptable and complies with the NPPF and UDP policies listed.

The proposed building would not have any unacceptable impacts on the openness of the Green Belt or upon visual amenity, subject to it being temporary in nature. Given this, the proposal would be compliant with the above stated policies, SPD8 and the NPPF. Therefore, in accordance with the 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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Permission is hereby granted for a limited period only, namely for a period expiring 3 years from the date of this decision notice, and the structures and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to the National Planning Policy Framework and Bury Unitary Development Plan policies EN1/1 Visual Amenity and OL1/2 New Buildings in the Green Belt.
- 2 This decision relates to the following drawings Location Plan, Proposed Site Plan, Proposed Floor Plan and Proposed Elevations dated 18/04/2023 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 Prior to the siting of the storage cabin, details of timber cladding and/or trellis and associated soft landscaping shall be submitted to and agreed in writing with the local planning authority. The agreed details shall thereafter be implemented in full accordance with the agreed details before the use of the storage container commences and shall be maintained as such for the duration of the development.
Reason. In the interests of visual amenity pursuant to the NPPF and UDP Policies EN1/1 Visual Amenity and OL1/2 New Buildings in the Green Belt.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	26/06/2023	DM	27/06/23