



Appeal Decision

Site visit made on 17 July 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/T4210/W/23/3317199

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by K-Outlet against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68881, dated 12 September 2022, was refused by notice dated 19 December 2022.
 - The development proposed is the retention of five shipping containers.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The shipping containers are already sited on the land. Therefore, I am considering this appeal retrospectively.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the surrounding area;
 - b) the living conditions of the occupiers of neighbouring properties, with particular reference to outlook; and
 - c) highway safety.

Reasons

Character and Appearance

4. Fronting onto Bury Old Road is a terraced shopping parade that includes retail units to the ground floor and residential flats above. A road to either end of the terrace provides access to the rear which, amongst other things, is used for the parking of vehicles and the servicing of the units. The area to the rear of the shopping parade contains a number of brick built, single storey outbuildings and there are also two shipping containers located adjacent to the access road. Mature trees and shrubs are planted beyond the parking/servicing area.
5. Five shipping containers have been sited within the appeal site: three on the ground with two stacked on top. They are sited centrally to the rear of the terraced shopping parade, separated from the associated retail unit by the access road. Consequently, they are not readily visible from Bury Old Road. The trees and vegetation together with the existing outbuildings and other shipping containers to the rear of the shopping parade, reduce their

prominence in views from the west. Views of the shipping containers are therefore limited to the immediate vicinity.

6. The exterior of the containers vary in colour, with former logos emblazoned on their sides. At the time of my site visit, the containers showed signs of rust and peeling paint and contrast starkly with the appearance of the two other shipping containers that were well maintained. While the exterior appearance of the shipping containers detract from the character and appearance of the surrounding area, the appellant has suggested that this could be overcome by a condition requiring the containers to be painted in a colour to be agreed with the Council.
7. I acknowledge that painting the exterior of the containers would likely improve their overall appearance and reduce their effect on the area's character and appearance. However, the overall height and bulk of the containers significantly exceed that of the other outbuildings and containers located within the land to the rear of the terraced shopping parade, and the height of the stacked containers exceeds the eaves height of the adjacent shopping parade terrace. Therefore, the height and bulk of the containers appears incongruous and prominent within the surrounding area.
8. In reference to the first main issue, the development detracts from the character and appearance of the surrounding area. It would be contrary to Policies EN1/2 and EC4/1 of the Bury Unitary Development Plan, adopted 1997 (UDP) which, amongst other things, seek to 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, and to only accept proposals for small businesses when the scale of the development is appropriate to the surrounding area in which it is located.

Living Conditions of the Occupiers of Neighbouring Properties

9. Above the convenience store there appear to be two residential flats that are accessed via external staircases to the rear of the building. Each flat is served by a first floor window that is positioned within an outrigger that overlooks the shipping containers. From the information before me, these windows appear to serve rooms that would be frequently used by occupiers. The window in the northernmost flat directly faces the shipping containers, while the window in the southernmost flat has an oblique view of them.
10. The shipping containers have a maximum height of 5.8m and extend above the eaves of the adjacent two-storey shopping parade building. The information before me suggests that the shipping containers that are stacked one on top of the other are sited approximately 12 metres from the windows of the adjacent flats. Consequently, the overall height of the containers together with their proximity to these windows would be overbearing and result in a substandard outlook to the occupiers of these flats.
11. In reference to the second main issue, the development would adversely affect the living conditions of the occupiers of neighbouring properties, with particular reference to outlook. It would be contrary to Policy EC4/1 of the UDP that seeks to only accept proposals for small businesses when the scale of the development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is located.

Highway Safety

12. Four parking bays have been provided adjacent to the containers and a sign has been erected that states that the spaces are for customers of the convenience store. However, the appellant's Appeal Statement states these spaces are for the parking of employees, with customer parking located to the front of the store on Bury Old Road.
13. Information regarding deliveries is limited, with the appellant's Appeal Statement outlining that the space used for employee vehicle parking would also be used by 3.5 tonne delivery vans. From the information before me, I am uncertain whether the land could be used for both employee parking and deliveries without causing conflict between different users of the land and the access road. Furthermore, no information has been provided regarding how the upper two containers are accessed and therefore I am unsure how the loading/unloading of goods to and from these containers could be undertaken without impacting upon the parking/servicing areas.
14. The appellant has suggested that a condition could be imposed to secure details of an Operational Management Plan for the parking and servicing of the convenience store. However, I am unclear whether the combined uses could be accommodated within the area without conflict to each other or other users of the access road and therefore, such a condition may not be reasonable or enforceable.
15. In reference to the third main issue, insufficient evidence has been provided to demonstrate that the development would not adversely affect highway safety. It would conflict with Policies EN1/2, HT2/4 and HT6/2 of the UDP which, amongst other things, seek to reduce pedestrian/vehicular conflict, and to make adequate provision for car parking and servicing requirements.

Other Matters

16. The shipping containers are said to provide essential storage for a community focused commercial unit that meets the day-to-day needs of residents within a commercial local parade. However, limited information has been provided regarding the shop's storage requirements, or why the five shipping containers are essential.

Conclusion

17. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR