

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 19/04/2023	Ref: 69301/FUL
Registration: 01/03/2023	LDFC: 24/03/2023	Expiry Date: 26/04/2023
Site Visit: 12/03/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Retention of storage container and cabin to car park at rear for use as community food bank/storage

Location: Christ Church Meeting Hall, Great Eaves Road, Ramsbottom, Bury, BL0 0PX

Description

The site relates to the car park of a Church which is located in Ramsbottom. To the north east of the site are playing fields and the south west boundary is defined by a 2.4m high galvanised metal fence beyond which is a Builder's Yard. To the south is a petrol station and drive-through coffee shop. The car park is accessed from Great Eaves Road to the north.

The car park is laid out for 14 parking spaces.

The application seeks the retention of two structures which are positioned in the car park, comprising a container and a cabin.

The container and cabin were brought to the site during the pandemic and provide a community grocery facility to support local families. In addition to food, the facility provides support services to help local people. The facility is run by volunteers.

The application now seeks to regularise the siting of the container and cabin.

Container - This is a unit size of 5.9m long, 2.5m wide and 2.6m high. It is used to store food and has a fridge and freezer for perishable goods and frozen food. There is a timber framed cantilever canopy position over the door. The container is sited perpendicular to the south west boundary.

Cabin - This unit measures 5.9m x 2.5m x 2.7m high and provides a sheltered space for people to be served. It is sited alongside the south west boundary of the car park.

The facility is open twice a week, Tuesday and Thursday mornings from 10:00am to 12:00 noon.

Relevant Planning History

N/a

Publicity

Letters sent to 22 nearby properties.
No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

EDS Head of Parks and Countryside - No response received

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
RT1/1	Protection of Recreation Provision in the Urban Area
CF1/1	Location of New Community Facilities
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.

Layout and siting and appearance- The container and cabin are located close to the south west boundary of the car park. One parking space would be displaced as a result of the position of the cabin. However this space would still be available when the facility was not in use and given the car park is barrier controlled for designated users only, the loss of 1 space for a temporary period is considered not to be significant.

The shipping container is dark green decorated with a graphic end panel and the cabin light grey metal colour with a timber clad canopy. The structures are of a typical metal construction and similar in appearance and type to other containers commonly used as facilities for storage purposes or the such like. The container and cabin are located close to the boundary with the builders yard and partly screened by the intervening metal fence. Located behind the church, the structures are screened from views from Great Eaves Road and are set back over 20m from the playing fields to the east. With this separation distance and screening, it is considered the proposed development would not be significantly visible or harmful to public views. There are no residential properties nearby affected by the siting of the containers.

It is usual to grant a temporary consent for such storage type containers and in this instance, given the site is relatively well screened and the structures not in a highly visible location, a 5 year consent is recommended.

As such, it is considered the proposed development would be acceptable and comply with EN1/2.

Flood zone - The site lies within Flood Zone 2. As temporary type structures, the containers can be moved at any time. As such, the siting is considered acceptable without requiring any mitigation measures.

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 Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the building, works 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.
- 2 This decision relates to drawings numbered - Existing site plan 11173 L 02; Existing elevation photos 11173 L 03 rev 1/3; Proposed ground floor plan 11173 EXT P01; Proposed portokabin and storage container elevations 11173 EXT E01 and the development shall not be carried out except in accordance with the drawings hereby

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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>
JT	19/4/23	DM	21/04/23