

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/12/2024	Ref: 71256/FUL
Registration: 16/10/2024	LDfC: 13/11/2024	Expiry Date: 11/12/2024
Site Visit: 07/11/2024	Site Notice: 07/11/2024	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: Relocate 1 no. shipping container and remove 3; Erection of 1.8m fence

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

Description

The site relates to land to the rear of a parade of shops known as Park Hill in the Bury Old Road/Kings Road Local Shopping Centre. Beyond the site, to the west are allotments/gardens and there is residential development to the north and south. The first floor of some of the shops are habited as residential flats.

The area behind the shops is used for the servicing and parking for the shops and there are also a number of permanent single storey brick builds and single shipping containers used for storage purposes in association with the businesses. There is a vehicular and pedestrian entrance/exit at either end of the shopping parade for access purposes.

The application relates to a supermarket, No 6-9 Park Hill , a commercial premises in the middle of the shopping parade which seeks consent to relocate 1 no shipping container and the removal of 3 shipping containers and the erection of a 1.8m high fence. The container would be used in association with the business for the storage of goods and foodstuffs.

The container would be located on one of the 5 parking spaces which are formed in a row in front of a brick built single storey building in the servicing/parking area. The container would be 6m long, 2.5m wide and 2.5m high part enclosed by a 1.8m high timber fence.

This application is in response to enforcement action which has been taken following the unauthorised siting of 5 containers.

Relevant Planning History

58865 - External staircase at rear to form new access to existing first floor flat; external alterations - Approve with Conditions 27/08/2015

66681 - Retention of five shipping containers - Refused 19/12/22. Dismissed on appeal 26/7/23.

Publicity

Letters sent on 23/10/24 to 23 properties.

Site notice posted 7/11/24

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition

Environmental Health - Pollution Control - No comments to make

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
S1/5	Neighbourhood Centres and Local Shops
HT2/4	Car Parking and New Development
JP-C5	Streets For All

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Siting, layout and design

The container would be located next to a brick built storage building (annotated as Storage 4) which is positioned at the back of the site along the western boundary of the service yard area.

The container would be on part of the footprint of a parking space but given four spaces would be retained, each accessible and usable with parking around the other areas of the service yard including a row behind the shops themselves, it is considered that the loss of one space would not cause significant parking issues. The container would also be sited far enough away from the shop so as not to interfere with serving or access along the rear.

A 1.8m high timber fence would enclose the container on the north and eastern elevation which would screen the majority of the container from public views with the other storage buildings to the west and south obscuring views from these directions.

The Highways Section have raised no objections to the proposed location and there are no significant servicing, parking or visual amenity issues.

It is therefore considered the proposed development would comply with policies EC4/1, EN1/2, HT2/4, JP-C5, JP-C6 and JP-C8.

Residential amenity

The nearest residential properties would be more than 50m to the north and south. The container would be single storey, partly enclosed by a timber fence and other buildings but also tree planting. Set at a single storey level, the container would be enclosed both within and outside the site. The container would therefore not be visible from long range views.

From flats which are located above the shops, the container would be at a low level, located at the opposite end of the site. It is therefore considered that outlook from these flats would not be significantly affected.

The proposed development is therefore considered to comply with EC4/1 and EN1/2.

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 drawings -
Red edge site location plan 16-Oct-2024
Existing plans GSS24134 002
Proposed plans GSS24134 003 rev 1
Proposed elevations GSS24134 004

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 and Places for Everyone Joint Development Plan listed.

- 3 The car parking and turning facilities indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times

Reason. To ensure adequate off street car parking provision in the interests of highway safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/12/24	HL	06/12/2024