

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 15/10/2020	Ref: 65837/FUL
Registration: 03/09/2020	LDFC:	Expiry Date: 29/10/2020
Site Visit: 20/09/2020	Site Notice: 20/09/2020	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 1no. 20ft ISO standard shipping container

Location: Ramsbottom Swimming Pool, Stubbins Lane, Ramsbottom, Bury, BL0 0PT

Description

The site relates to a public swimming pool, leisure facility and grounds which are located close to Ramsbottom Town Centre.

The access road serves the site only and the nearest built development are the residential/care home apartments to the south west and the petrol filling station to the north west.

The site comprises the leisure building and associated car park which is located to the north of the building and is set within surrounding grounds and fields.

The application seeks the installation of 1 no. shipping container.

The container would be located between 2 elevations on the north eastern side of leisure building and an existing container in the area which is also used for bin storage.

The container would be 6m x 2.3m x 2.6m and proposed to be painted grey.

The applicant states the container is required for the secure storage of sports equipment.

A site visit noted that a container was already in situ.

Relevant Planning History

N/A

Publicity

Site notice posted 20/9/20

No responses received as a result of the publicity

Statutory/Non-Statutory Consultations

United Utilities - No objection subject to a condition for the implementation of a sustainable drainage scheme.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

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

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.

Need - The proposed container is required for the storage of sports equipment associated with the leisure facility and the sports clubs who use the facility and the sports grounds. as such, the proposed development would improve the storage arrangements and provision for the leisure club and comply with CF1/1 and RT1.

Siting - The container is located in the north east corner (rear) of the leisure building between the wall and an existing container. It would not project beyond the side elevation of the leisure building and screened from views by an existing container and bin store and as such considered that visual impact would not be significant.

A consent of up to 5 years is the standard practice for the duration of time a container type structure is granted approval and would be the recommendation in the case of this application.

As such, the proposed development is considered acceptable and would comply with EN1/2 and CF1/1.

Drainage - United Utilities (UU) have been consulted on the application. UU highlight the existing surface water sewer that lies within the site boundary.

A public sewer crosses this site and UU may not permit building over it and would require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement.

Whilst UU raise no objection as the container is not a permanent structure, the applicant should be aware that it may need to be removed/ relocated quickly should UU need access to this sewer for any repair/ replacement works. Should the applicant in the future wish to replace this container with a permanent structure, the comments within the section 'United Utilities property, assets and infrastructure below should be noted in the informative number 1.

UU recommend a condition that the applicant implements the scheme in accordance with a surface water drainage hierarchy outlined in the NPPG.

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 the drawings - red edge location plan, plans and elevations received 1/9/2020 - 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 The development hereby approved shall be carried out in accordance with the surface water drainage hierarchy outlined in the NPPG to consider options as follows:
 1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.Any surface water drainage scheme necessary for the development shall be

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implemented within 2 months of the development hereby approved.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 4 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 container 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.

Reason. In view of the temporary nature of the development and pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

- 5 Within 30 days of the development hereby approved, the container shall be painted grey and thereafter maintained thereafter maintained in accordance with the approved scheme whilst it shall serve the development.

Reason. In the interests of visual amenity pursuant to UDP Policies EN1/2 - Townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	15/10/20	DM	21/10/2020