

APPLICATION NUMBER: 23/00185/CPL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00185/CPL	Rosalind Gralton	26 June 2023

Address: Land Opposite 29 King Street South, Rochdale, OL11 3TR

Proposal: Certificate of lawfulness for a proposed air quality monitoring station

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N/A

EIA	Screening opinion completed and saved to Onbase?	N/A
-----	--	-----

CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT LAWFUL DEVELOPMENT CERTIFICATE
----------------	--------------------------------------

CHECKED AND SIGNED OFF BY: LA

DATE: 27.06.23

SITE

The site relates to land located on the northern side of King Street South, just off the footway, 5m east of the side boundary of No 34 King Street South, which is a residential end terrace property.

PROPOSAL

The application seeks a certificate of lawful development for a proposed air quality monitoring station.

RELEVANT PLANNING POLICY

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 19, Class A

Class A – general development by the Crown

Permitted development

A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—

(a) any small ancillary building, works or equipment on Crown land required for operational purposes;

(b) lamp standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.

Interpretation of Class A

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

National Planning Practice Guidance (NPPG)

Burden of Proof

The applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability (PPG Paragraph: 006 Reference ID: 17c-006-20140306)

RELEVANT SITE HISTORY

CONSULTATION RESPONSES

Legal -Snowber Baig

The Council's Planning Solicitor was consulted on the application and their response is provided below:

'On the information provided, I am satisfied that the applicant, Bureau Veritas, is under contract with the Environment Agency and therefore are acting in partnership to deliver the UK Urban NO2 Network (UUNN) Scheme.

As you are aware the Environment Agency falls under the Department for Environment Food and Rural Affairs (DEFRA) which is a body of the Crown and therefore the application 23/00185/CPL falls under the description given in Schedule 2, Part 19 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) which states:

Permitted development

A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—

a) any small ancillary building, works or equipment on Crown land required for operational purposes;

b) lamp standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.

Interpretation of Class A

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

The proposed development measures 0.95m² with a height of 1.5m and volume of 1.463m³. It therefore doesn't exceed the size limitations of paragraph A.1.

Based on the information supplied, I believe that the development described in the application 23/00185/CPL is permissible within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), and the proposed development is permissible within the meaning of Schedule 2, Part 19 of the GDPO and is therefore considered lawful permitted development.'

REPRESENTATIONS

In accordance with the Council's Code of Publicity for Planning Applications, this application has not been publicised.

ANALYSIS

PART 19 - Development by the Crown or for national security purposes

Class A – general development by the Crown

Permitted development

A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—

(a) any small ancillary building, works or equipment on Crown land required for operational purposes;

(b) lamp standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of

people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.

Interpretation of Class A

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

COMPLIES: *The proposed development measures 0.95m² with a height of 1.5m and volume of 1.463m³. It therefore doesn't exceed the size limitations of paragraph A.1. The proposal therefore complies with A.1 to this regard.*

The officer concurs with the Council's Legal teams findings, who has stated they are satisfied the applicant, Bureau Veritas, is under contract with the Environment Agency and therefore are acting in partnership to deliver the UK Urban NO₂ Network (UUNN) Scheme. The full consultation response is provided under the consultations section of this report. As such, the proposed development constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 19 of the GDPO and is therefore considered lawful permitted development.

RECOMMENDATION

GRANT UNCONDITIONALLY

The proposed development constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 19 of the GDPO and is therefore considered lawful permitted development.

Notes for Applicant:

For the avoidance of doubt, the decision relates to the following documents and drawings:-

Covering Letter – received by the Council 22/02/2023
Plinth Location – received by the Council 22/02/2023
'PR5 Air Quality Monitoring Enclosure' - received by the Council 22/02/2023
Proposed site with access - received by the Council 02/05/2023
Proposed site (wide) - received by the Council 02/05/2023
Proposed site (redline – wide) received by the Council 02/05/2023
Proposed plan - received by the Council 02/05/2023
Existing site - received by the Council 02/05/2023

Report Author Rosalind Gralton