

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00912/CPL

CASE OFFICER

Anna Hayes

DETERMINATION DATE 11.11.2024

Address: Land Opposite 23 Edward Street Rochdale OL16 2DU

Proposal: Certificate of lawfulness for a new 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
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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: RG

DATE: 14/11/2024

SITE

The application site relates to land adjacent to 23 Edward Street in Rochdale. The land comprises an open grass verge near to the road junction between the gable end of 11 and 23 Edward Street.

The surroundings are predominately residential. Immediately to the east of the site is a designated protected play area (recreational open space) as allocated under the Unitary Development Plan Proposals Map.

PROPOSAL

The application seeks a Certificate of Lawfulness under section 192 of the Town and Country Planning Act 1990.

The application seeks confirmation that the installation of an air quality monitoring station on the proposed site would be lawful.

The proposed air quality monitoring station would measure 650mm depth x 1500mm width x 1600mm height upon a concrete base measuring 750mm depth x 1600mm width. On the top of the monitoring station would be a cage measuring 510mm x 750mm to house the sample tubes. The external finish of the equipment would be in gelcoat colour green (BS4800 14.C.39).

The following information has been submitted in support of the application:

- PM2.5 PR5 Network Upgrade Layout Diagram revision 3
- Photo of electricity cabinet
- Site Location Plan 1:1250
- Site Plan 1:300
- Site Plan 1:300
- Site Plan 1:500
- Site Plan 1:75
- Application Form
- Air quality expansion letter of support

RELEVANT PLANNING POLICY

National Guidance

National Planning Practice Guidance (NPPG)

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)

Other

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

RELEVANT SITE HISTORY

No available planning history.

CONSULTATION RESPONSES

There is no statutory requirement to consult third parties including parish councils, or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess

relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application (NPPG paragraph 08 Reference ID: 17c-008-20140306).

As there is no statutory requirement to consult third parties, no letters were sent to neighbouring occupiers/owners when this application was validated.

REPRESENTATIONS

Not applicable, as above.

ANALYSIS

This application for a Certificate of Lawfulness is made under Section 192 of the Town and Country Planning Act 1990. An application under s192 can be made if any person wishes to ascertain whether the following would be lawful –

- a) Any proposed use of buildings or other land; or,
- b) Any operations proposed to be carried out in, on, over or under land.

S192 (2) states that: if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of this application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Of relevance to this application is Class A, Part 19, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) which permits 'general development by the Crown'.

The applicant for this application, namely the Environment Agency, is a Non-Departmental Public Body which carries out work sponsored by and on behalf of the Department for Environment Food and Rural Affairs (DEFRA) which is a body of the Crown and therefore the application 24/00912/FUL falls under the description given in Schedule 2, Part 19 of the GPDO, which states that:

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.

In this instance, the proposed air quality monitoring station would constitute a small structure with ancillary equipment required in connection with works carried out by the Environment Agency as part of DEFRA's national air quality monitoring expansion. It is therefore accepted that the works are in connection with the operational purposes of the Crown. Class A (b) covers a broad range of small structures including but not limited to; features for the benefit of public comfort, in connection with transport infrastructure, and small scale technological installations. The proposed air quality monitoring station is considered to be a similar structure under this criteria.

Officers undertook a site visit on 2 October 2024, confirming that the proposed development was not in situ.

Based on the information supplied, the proposed development described in the application 24/00912/CPL is permissible within the meaning of Section 192 of The Town and Country Planning Act 1990 (as amended) and permissible within the meaning of Schedule 2, Part 19 of the GPDO. The works as described therefore constitute permitted development.

RECOMMENDATION

GRANT UNCONDITIONALLY.

The proposed development constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 19, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for Applicant:

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

PM2.5 PR5 Network Upgrade Layout Diagram revision 3 received 16 September 2024

Photo of electricity cabinet received 16 September 2024

Site Location Plan 1:1250 received 16 September 2024

Site Plan 1:300 received 16 September 2024

Site Plan 1:300 received 16 September 2024

Site Plan 1:500 received 16 September 2024

Site Plan 1:75 received 30 September 2024

Application Form received 16 September 2024

Air quality expansion letter of support received 16 September 2024