

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01577/PRA56	Majid Mir	02 March2023

Address: Lo Cost Stores Ltd Station Road Littleborough OL15 8AF

Proposal: Prior approval for proposed collection facility within the curtilage of a shop

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

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

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

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	PRIOR APPROVAL NOT REQUIRED
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CHECKED AND SIGNED OFF BY: RG

DATE: 10 March 2023

SITE

The application site is the existing Co-op (Co-operative) food store that is sited close to the centre of Littleborough. The store is set within a detached building and it has a customer car park to its front elevation and service yard to the rear. To the immediate south of the site is the railway line linking Greater Manchester to West Yorkshire and the Littleborough Train Station is sited nearby to the north east. The Rochdale Canal is also located just beyond the railway lines.

To the immediate north west of the site are a number of terraced properties. Littleborough town centre, which contains a mix of commercial and residential properties, is slightly further away to the north and is within close walking distance of the site.

PROPOSAL

The application seeks prior approval for the installation of parcel lockers within the curtilage of a shop.

RELEVANT PLANNING POLICY AND LEGISLATION

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 7, Class C

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

RELEVANT SITE HISTORY

91/D26673 – New single storey retail food store with associated car parking – Approved

11/D54837 – External alterations including replacement of front entrance door, replacement of existing customer exit and staff entrance doors with new shop front windows, removal of existing double exit door with new double exit door to be installed within the opposing side elevation and installation of additional refrigeration plant to rear service yard – Approved.

14/00692/FUL – Replacement of refrigeration plant to rear of building and refurbishment of shop front – Approved

17/00658/FUL - Proposed repositioning of existing plant at ground level to opposite side of rear service entrance (retrospective) – Grant subject to conditions.

CONSULTATION RESPONSES

Conservation
No objections.

REPRESENTATIONS

The application has been publicised with neighbour notification letters and a site notices was placed in the vicinity of the site. No responses were received.

ANALYSIS

Schedule 2, Part 7, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the permitted

development consisting of the erection or construction of a collection facility within the curtilage of a shop.

For the purposes of Class C, “collection facility” means a building or structure designed to be used by visiting members of the public for the collection of any goods and for the storage of goods awaiting such collection. “Shop” means a building used for any purpose within Class E(a) (display or retail sale of goods other than hot food) of Schedule 2 to the Use Classes Order.

Development is not permitted by Class C if—

- (a) the development would result in more than 1 collection facility within the curtilage of a shop;**

There does not appear to be any other collection facility located within the curtilage of the shop. Additionally, there is no history in regards to applications for the installation of a collection facility within the curtilage of the shop.

- (b) the gross floor space of the building or structure would exceed 20 square metres;**

The gross floor space of the proposed collection facility would be 3.63square metres and therefore would not exceed 20 square metres.

- (c) the height of the building or structure would exceed 4 metres;**

The proposed collection facility would have a maximum height of approximately 2.5m and therefore would not exceed 4 metres.

- (d) any part of the development would be within 2 metres of any boundary of the curtilage;**

The proposed collection facility would be a minimum of 8m from any boundary of the curtilage.

- (e) any part of the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres; or**

The distance between the shop front and the boundary of the curtilage of the premises would exceed 5 metres.

- (f) any part of the development would be—**

- (i) on article 2(3) land;**
- (ii) in a site of special scientific interest; or**
- (iii) within the curtilage of a listed building or a scheduled monument.**

The development would not be in any of the identified protected land.

Conditions

- C.2 (1) Development is permitted by Class C subject to the condition that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of

the development and the following sub-paragraphs apply in relation to that application.

- (2) The application must be accompanied by—
- (a) a written description of the proposed development, which must include details of any building operations proposed;
 - (b) a plan indicating the site and showing the proposed development;
 - (c) the developer's contact address; and
 - (d) the developer's email address if the developer is content to receive communications electronically, together with any fee required to be paid.

- (3) The local planning authority may refuse an application where, in the opinion of the authority—
- (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in Class C as being applicable to the development in question.

(4) Sub-paragraphs (5) and (7) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

- (5) The local planning authority must give notice of the proposed development—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
 - (i) describes the proposed development;
 - (ii) provides the address of the proposed development;
 - (iii) specifies the date by which representations are to be received by the local planning authority; or

- (b) by serving a notice in that form on any adjoining owner or occupier.

(6) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

- (7) The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (5);
 - (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

- (8) The development must not begin before the occurrence of one of the following—

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

- (9) The development must be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
 - (b) where prior approval is not required, or where sub-paragraph (8)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(10) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(11) When computing the number of days in sub-paragraph (5)(a), any day which is a public holiday must be disregarded.

Siting, design and external appearance

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Paragraph 195 of the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 197 goes on to state that In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraphs 199-200 of the NPPF states that great weight should be given to the asset's conservation, and, where there is any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), clear and convincing justification for this harm is required.

Policy P1 of the Council's adopted Core Strategy seeks to require design which is of a high standard, demonstrating innovation and originality, and maximising the potential for heritage assets to provide a sense of place and image. Policy P2 seeks to conserve, enhance and promote key heritage assets and utilise heritage assets positively and intelligently to strengthen identity and image. Saved UDP Policy BE/17 only permits development that preserves or enhances the character and appearance of the conservation area.

Further to this, Policies DM1 and P3 of the Council's adopted Core Strategy require development proposals to adhere to high quality design and enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general. In addition, paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the

surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The site is situated outside of the boundary to the south of the Littleborough Town Centre Conservation Area. The proposed collection facility would be set close to the host building with the car park in between the structure and the Conservation Area.

The proposed collection facility would be set a considerable distance from Littleborough Town Centre Conservation Area. The proposed collection facility would be comparatively small and would have relatively simple and functional design. Overall, the proposed collection facility would not be prominent when views from public vantage points. Additionally, it is noted that the proposed collection facility would be viewed in the backdrop of the retail use of the site. As such it is considered that the proposed collection facility would have a neutral impact on the heritage asset and therefore the siting, design and external appearance is acceptable.

RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED.

Notes for Applicant:

For the avoidance of doubt, this decision is based on the following plans:

Site location plan. Drawing no: L(00)001. Rev: P3
Existing block plan. Drawing no: L(00)002. Rev: P1
Proposed block plan. Drawing no: L(00)003. Rev: P2. Received by email on 09/03/2023
Proposed Elevations. Drawing no: L(02)101. Rev: P2
Proposed Plans. Drawing no: L(01)101. Rev: P2
Existing Plan. Drawing no: L(01)001. Rev: P1
Existing Elevations. Drawing no: L(02)001. Rev: P1