

DELEGATED REPORT

Report by Amanda

Date of report: 27/10/2023

Ref:69491/FUL

Uhunmwagho

Registration: 27/04/2023

LDfC: 02/06/2023

Expiry Date: 22/06/2023

Site Visit: 22/05/2023

Site Notice: N/A

Press Date: 11/05/2023

Objections: 1

Con Area: N/A

Adv Type: ASB

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Formation of new driveway/vehicular access with electric gates and replacement of existing access/gate with brick boundary wall

Location: 298A Stand Lane, Radcliffe, Manchester, M26 1JB

Description

Planning permission was approved at this site for a first floor extension to the dwelling on site in June 2023. The property is a large two storey detached house with garden areas to the front and rear of the dwelling. The existing driveway is accessed from Stand Lane to the south of the site and there is a long driveway leading upto the house. There is also a pedestrian gate to the rear of the site accessed off the road named North Woodley. the site has a brick wall to all boundaries and there are multiple TPOs within the site. The application property is situated next door to a listed building at 298 Stand Lane.

The proposal is to create a new vehicular access off Stand Lane close to the dwelling on site. The existing access would be blocked up. The plans show that the new access point would measure 3.6m wide with a proposed dropped kerb measuring 2.6m in length. There would be a metal electric sliding gate and the plans note that this would not exceed the height of the existing wall. The gate would have wrought iron railings.

The existing entrance would be blocked with a timber fence which would be set back to the rear of the existing pillars to ensure there would be no encroachment on to the adjacent highway. The proposed elevation drawing shows that the fence would be around 2m in height.

In addition to the new access and gate there would also be an area of hardstanding created to the front of the dwelling which would provide at least two parking spaces and a turning area. The existing driveway would be replaced with a new lawn.

Relevant Planning History

69492 - Two storey/first floor side extension with alterations to roof and front porch;
Alterations to windows on ground/first floors - Approve with Conditions 14/06/2023

Publicity

16 neighbours were notified on 05/05/2023 - One objection has been received.

This appears to be a dangerous location to construct an entrance to a property. You constantly have speeding cars coming both up and down Stand Lane. There is also an issue with parking due to the increase in business from the post office and quite regularly my view is obstructed coming out of my drive due to parked cars and vans using the shop. Vehicles quite often also park across Rossall Avenue blocking the street just to drop off a parcel. If the plan is go ahead then I would suggest that a full survey be carried out with regards to the following.

- 1) Speeding cars both up and down Stand Lane.
- 2) The parking requirements for local residents in particular the terraced houses opposite the proposed entrance and those living in North Woodley
- 3) Parking requirements for the vehicles using the local shops.
- 4) The general road layout as vehicles approach a busy village
- 5) Is the road still suitable for Heavy Goods Vehicles?

Statutory/Non-Statutory Consultations

Traffic Section - Objected to siting of new vehicular entrance

Conservation Officer - No objection.

Tree and Woodland Management Officer - Advised the tree on the highway should be retained.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN2/3 Listed Buildings

EN1/2 Townscape and Built Design

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

NPPF National Planning Policy Framework

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

In terms of visual amenity the new wrought iron gate as viewed from off site would be considered to be in keeping with the existing boundary where there are some railings to the southern part of the boundary, and as there is an existing fence along the existing entrance to the south the fence would also be considered acceptable in terms of its impact on the existing streetscene. Therefore the design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Trees-

There is a tree located on the highway just outside the area where the new entrance would be created. This tree has been noted on the revised proposed plans but the impact of the tree has not been assessed. The Council's tree officer has been consulted and following a site visit they have advised that they would not support removal of this tree as it would have an adverse impact upon the character of the area/streetscene.

In addition to the above no information has been provided regards the protected trees within the site which could be affected by the new area of hardstanding and the sliding gate.

Residential Amenity -

The proposed new entrance and gate would be a sufficient distance away from other residential properties. As such it would not have a significant detrimental impact on residential amenity at neighbouring properties.

The fence which would block the existing entrance to the south of the site would be set back from the boundary meaning it would not have any significant detrimental impact on the driveway to the property next door.

Taking the above into account the proposal would conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Highways Issues -

The proposed entrance would create a new access point on to a very busy road where there are no parking restrictions on Stand Lane adjacent. There are also shops close by and vehicles are regularly parked on both sides of the road by neighbours or general public using the shops. Insufficient information has been provided to enable the LPA to assess whether the proposed development would have an adverse impact upon highway and pedestrian safety.

In addition there is a tree located on the highway, very close to where the new entrance would be.

The following information was requested on several occasions;

- Visibility splays.
- Detailed site plan, including topographical survey.
- The impact of the existing tree on the highway.
- The impact on the existing trees on site which are subject to TPOs.
- Foundation details for the new wall.
- Materials details for the new driveway - should be porous/permeable.
- Parking provision within the site and turning area.
- TPO trees close to the driveway not addressed. They need to show how the trees would be protected during the build and after the driveway would be constructed.

Some of the above has been addressed in the revised drawing received on 02/10/2023, but the plan does not contain enough detail to be able to assess the application properly. There are still no details regards the TPOs within the site, materials, foundations, no visibility splays are shown and there is no topographical survey included. This information has been requested from the agent on several occasions and since receiving the revised drawing on 02/10/2023 two emails have been sent to the agent on the 5th and 11th of October requesting the above, but also advising them to withdraw the application and resubmit at a time when they have the required information. The agent has not replied to either email.

The Highways section have objected as the proposed development would be significantly detrimental in terms of visibility along the highway.

The proposal does not conform to UDP Policies EN1/2 - Townscape and Built Design and H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

Response to neighbour objection -

The neighbour objection has been addressed in the Highways issues section of the report.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

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Recommendation: Refuse

Conditions and Reasons:

- 1 The application and submitted plans contain insufficient information regards highway safety, protected trees within the site, materials and foundation details to enable them to be properly assessed pursuant to Bury UDP Policies EN1/2 - Townscape and built Design and H2/3 - Extensions and Alteration, and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties .

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 27/10/2023		DM 30/10/23	