

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/08/2024	Ref: 70864/FUL
Registration: 19/06/2024	LDfC: 18/07/2024	Expiry Date: 14/08/2024
Site Visit: 11/07/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Reinstatement of vehicular access to front elevation with roller shutter door

Location: Mayfield Garage Ltd, Eldon Street, Bury, BL9 5AZ

Description

The application relates to a detached garage unit that fronts Eldon Street. The unit is currently accessed via an access from Eldon Street that runs between the side of the site, and the rear of 133 Walmersley Road.

Planning permission is sought for the insertion of a door in the front elevation, allowing pedestrian and vehicular access from the front of the site.

Relevant Planning History

None

Publicity

Neighbour letters sent 26th June 2024. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to addition of a separate pedestrian access being provided to avoid conflicts with vehicular movements and provision of a formal vehicular crossing, subject to Council approvals. The proposed vehicular access location is not served by a dropped kerb at present

Pre-start Conditions - Not relevant

Development Plan and Policies

EC2/2	Employment Land and Premises
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Principle

EC2/2 - Employment Land and Premises Outside the Employment Generating Areas seeks the retention of existing employment land and premises outside the Employment Generating Areas except where it can be clearly demonstrated that an existing employment site or premises is no longer suited in land use terms to continued employment use.

EC4/1- Small Businesses seeks to support small businesses that are of a suitable scale and do not pose problems such as intrusion into open countryside, noise, smell, safety, health or excessive traffic generation they will generally be acceptable.

The existing garage currently gains access to the site via an access drive that runs along the side of the building. Access along this drive however has now been restricted and the applicant can no longer access the building either on foot, or by vehicle and as such the existing business has had to cease trading. As the proposal is to facilitate continued access to an existing use at the site, and as such would retain an existing employment use it is considered that the proposal is acceptable in principle.

Layout and Design

Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy JP-P1 aims to promote a series of beautiful, healthy and varied places.

The proposal would utilise an existing window opening to the front of the unit. This opening was previously utilised as an access door. The proposal would have a roller shutter to the front, with pedestrian door insert to allow pedestrians to enter and exit the unit when the vehicular door is not in use.

Given that proposal would reinstate a former door, and would utilise the height and width of the existing window it is considered that the proposed alterations to the front elevation would not have a detrimental impact on the character of the property or the street scene. The proposal would therefore comply with the policy considerations set out above.

Amenity

In addition to the employment policies set out above, Policy EN1/2 considers the relationship of the proposal to the surrounding area.

The proposal would not introduce a new use, or include any extensions to the existing property. The proposed door would be situated on the front elevation and replace an existing window. As such it is considered that residential amenity would be maintained.

Highways and Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The proposal would reintroduce a former vehicular access to the site. The applicant states that the kerb at the front of the site is already at carriageway level. The kerb does indeed appear to be lower than standard kerb edgings to the front of the site however this does not necessarily mean that it is capable of, or designed for vehicles to cross. As such a condition will be added to ensure a suitable footway crossing is installed.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 drawings numbered Site Plan, 24/775/01, 24/775/02A and the development shall not be carried out except in accordance with the drawings

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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 formation of the new vehicular access, including a dropped kerb and all associated footway remedial works abutting the site required as a result of the proposed development, shall be implemented prior to the new vehicular entrance hereby approved being brought into use.

Reason. To secure the satisfactory development of the site in terms of highway safety and maintain the integrity of the adopted highway Development Plan Policies EN1/2 - Townscape and Built Design and JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 7/8/24			