

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/01/2022	Ref: 67401/FUL
Registration: 06/08/2021	LDFC:	Expiry Date: 01/10/2021
Site Visit: 17/11/2021	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: HOUS

Proposal: Formation of new access / egress on to classified road, including modifications to existing front boundary wall facing the highway, modifications to front of garden area and formation of cross over over existing footway.

Location: 5 Ringley Road, Whitefield, Manchester, M45 7LD

Description

The property is a previously extended two storey detached house with large garden areas to the front and rear of the dwelling. The property has a garage to the north east side of the property with on site parking available on site for at least three vehicles.

An application for extensions to the property was recently approved in October 20021. This application seeks amendments to the existing access by creating an 'in-out' arrangement with new gates. Existing stone boundary wall and hedge between the access/egress points would be retained.

Relevant Planning History

59838 - Two/first floor/single storey extension at side/rear; Conversion of existing flat roof at rear to pitched; Installation of new vehicular access gate at front - Approve with Conditions 21/04/2016

62393 - Non-material amendment following grant of planning permission 59838 for two/first floor/single storey extension at side/rear; Conversion of existing flat roof at rear to pitched; Installation of new vehicular access gate at front:

Proposed change of roofing material; alterations to converted flat roof style, wall finishes to rear and side; omit window to existing garage at side; introduce of roof lights to master bedroom. - Approve 22/02/2018

67329 - Two storey front extension, first floor pitched roofs at front, pergola structure at front and alterations including render to external elevations - Approve with Conditions 06/10/2021

Publicity

Immediate neighbours notified by letter dated 26/08/2021. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Visual amenity - The new access/egress arrangement with new gates set back and the retention of the existing stone boundary wall and hedge would be not appear out of keeping with the streetscape and comply with UDP Policy H2/3 Extensions and Alterations and guidance.

Residential amenity - The proposal would not have a material impact on residential amenity.

Traffic - The new access arrangement would allow for adequate visibility onto Ringley Road and would not have a seriously detrimental impact on highway safety. An existing

traffic management unit and associated works would be required to be resited and this would be subject to an appropriate condition of any approval. As such the scheme would be acceptable and in compliance with UDP Policy H2/3 Extensions and Alterations.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 R-0657-05, 11, 16 and 17 and the development shall not be carried out except in accordance with the drawings 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 development hereby approved shall not be brought into use unless and until the access improvements and driveway arrangements indicated on the approved plans, incorporating all necessary modifications to existing TfGM apparatus/loops on the adopted highway affected by the proposals, the provision of a new access onto Ringley Road to a detail/level to be agreed with the Highway Authority to prevent the discharge of surface water from the adopted highway onto the property, demarcation of the limits of the adopted highway as a result of the highway works and all necessary highway remedial works required to reinstate the adopted highway to its former condition prior to commencement of the development, have been implemented in full to an agreed specification and programme and to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations and SPD6 Alterations and Extensions.
- 4 The visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction above the height of 0.9m.
Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to UDP Policy H2/3 Extensions and Alterations and SPD6 Alterations and Extensions.
- 5 The turning facilities indicated on the approved plans shall be provided before the development hereby approved is first occupied and shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to UDP Policy H2/3 Extensions and Alterations and SPD6 Alterations and Extensions.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	04/01/2022	DM	04/01/2022