

DELEGATED REPORT

Report by Mo Warsame	Date of report: 11/07/2024	Ref: 70682/FUL
Registration: 08/05/2024	LDFC: 03/06/2024	Expiry Date: 03/07/2024
Site Visit:	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: Variation of condition no. 2 (approved plans) and condition no. 3 (topographical survey) following approval of planning permission 68678 - New central access point to be wider and further back from the road and amendments to driveway

Location: 20 Sheepfoot Lane, Prestwich, Manchester, M25 0BN

Description

This application relates to a detached residential dwelling located on Sheepfoot Lane. The wider area is depicted by large detached residential dwellings and there are no properties in front of the site.

Planning permission is sought for the variation of condition no. 2 (approved plans) and condition no. 3 (topographical survey) following approval of planning permission 68678 for a new central access point that would be wider and set further back from the road along with amendments to the driveway.

Relevant Planning History

68678 - Widening of existing driveway with formation of new vehicular access and erection of front boundary wall and gates - Approve with Conditions 16/02/2023

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - Not in support of the proposal.

Comments

The Highway engineer states, that the information submitted is not sufficient and it is vital that the development complies with condition 3 inserted under previous application in order to meet current standards of visibility, regardless of where the previous accesses and due to the proximity of the new wall to the adopted highway.

Pre-start Conditions

N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD11	Parking Standards in Bury
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), 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.

Visual Amenity

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties (SPD6) notes that boundary enclosures should respect the character of the street scene.

The new development include a new central access point that would be wider and set further back from the road along with amendments to the driveway. The wider access would open inwards and the enlarged driveway will careate ample space for turning. Overall, the new development would be acceptable.

The proposal is asking for the removal/variation of condition 2 and 3. The variation of condition 2 would be considered acceptable in this instance, as the amendment would not be drastic and the new development would have no detrimental impact on the street scene or the character of the host property.

The application is also proposing to remove condition 3 which is a pre-commencement condition inserted by the Highway Engineer to ensure a satisfactory development. According to the highway engineer, this condition is required for the proposal to comply with current standards of visibility and should be discharged prior to this application. However, many of the comments listed on the above condition are either no longer required or have already been confirmed.

For instance, following the amendment in design, the need for tracked turning facilities within the curtilage of the site is no longer required as the new design shows more larger space which is adequate for this purpose.

The confirmation of proposed porous/permeable driveway materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway as stated on the above condition is also no longer needed as it has been confirmed. The new driveway material will be permeable. Furthermore, the gate will open inwards and no part of the foundation of the wall would be under the highway.

The above information submitted 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.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed development would have no significant adverse impact on the residential amenity of any adjacent neighbours.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties and Development Control Policy Guidance Note 11 - Parking Standards in Bury.

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 dwg no. 004, dwg no. 006 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	11/07/2024	DM -	11/07/2024