

DELEGATED REPORT

Report by Tom Beirne	Date of report: 12/04/2023	Ref: 69389/FUL
Registration: 09/03/2023	LDfC: 31/03/2023	Expiry Date: 04/05/2023
Site Visit: 11/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Variation of condition no.2 (approved plans) of planning permission 57515 and associated non-material amendment 67537: Revised house type design

Location: Land off Dorothy Street, Ramsbottom, Bury, BL0 9QJ

Description

The application relates to a residential plot of land at the end of Dorothy Street, which for a distance of approximately 70m, is included in the red edged site. The site is approximately a mile to the south-west of Ramsbottom town centre, to the east of Bolton Road West.

The original application for the dwelling was approved by Planning Committee 18/02/14. A subsequent application amended conditions 2 approved plans and 13 re windows.

This application seeks further approval for the following changes:

- Alteration to finishing materials - render and cladding to artificial stone with stone cills and quoins.
- Front elevation - (projecting gable only) roof eaves lifted by approx.1m and monopitch revised to a duo-pitch gable. Window W18 enlarged.
- Side elevation - window omitted.
- Rear elevation - patio doors reduced & kitchen window re-introduced.
- Side elevation - bedroom windows in lieu of Juliet balcony doors.

Relevant Planning History

69437 Non-material amendment - Minor alterations - Approved 07/10/2021

56849 - Erection of 1 no. dwelling and associated works - Approve with Conditions 19/03/2014

57515 - Variation of condition no. 2 (approved plans 56849) and inclusion of ground floor sunroom at rear and removal of condition no.13 (56849) relating to the first floor window on the side/south west elevation - approved 16/06/2014

Publicity

Immediate neighbours notified by letter dated 10/03/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

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.

Siting - The siting of the house on the plot would not change from that previously approved.

Visual amenity - The proposed stone finish would be more appropriate than the previously proposed render and cladding, given the stone finish on houses on Maybury Close, immediately to the north east.

The other proposed changes to the appearance of the house, the alterations to the roof and windows are relatively minor and would be acceptable in terms of visual amenity. The

proposal complies with UDP Policies and guidance.

Residential amenity - The proposed changes would not have a material impact on residential amenity of surrounding residents and as such the proposal is acceptable and complies with UDP policies and guidance.

Conditions - Pre-commencement conditions have been discharged and as such conditions 1 and 7 have been removed and the wording of others have been amended to reflect this.

Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012

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 Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 2 This decision relates to location plan A2175/PS-SLP01, PL02, SP01, EL01 and PL01 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 policies of the Bury Unitary Development Plan listed below.
- 3 Details of the finishing material to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before above ground construction is commenced. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 Townscape and Built Design.
- 4 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
- 5 The foul and surface water drainage scheme, approved under the previous application 57515, shall be implemented in accordance with details previously submitted and thereafter maintained to the satisfaction of the Local Planning Authority.
Reason: To reduce the risk of local flooding and water pollution by ensuring the provision of a satisfactory means of surface water disposal pursuant to UDP Policy EN5/1 New Development and Flood Risk and EN7/5 Waste Water Management.
- 6 The proposed driveway and paved areas at the front of the property shall be constructed of permeable/porous materials as set out in the Dept of Communities and Local Government publication "Guidance on the Permeable Surfacing of Front Gardens".
Reason: To secure the satisfactory development of the site pursuant to UDP Policy

EN5/1 New Development and Flood Risk.

- 8 Following the provisions of Condition 7 of the previous planning permission 57515 and the submitted contaminated land information, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales and a Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 9 The proposed improvements to Dorothy Street, indicated in the proposed site plan A2175/PS-SP01 shall be implemented to the written satisfaction of the Local Planning Authority before the dwelling is first occupied.
Reason. To ensure good highway design in the interests of pedestrian safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.
- 10 The turning facilities indicated on the proposed site plan A2175/PS-SP01 shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall be subsequently maintained free of obstruction at all times.
Reason. To ensure adequate turning movements of vehicles within the site in the interests of highway safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.
- 11 The car parking indicated on the proposed site plan A2175/PS-SP01 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the dwelling hereby approved being occupied and thereafter maintained at all times.
Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.
- 12 The boundary details previously submitted and approved under previous planning reference 57515, shall be implemented to the satisfaction of the Local planning Authority.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	12/04/2023	DM	17/04/23