

DELEGATED REPORT

Report by Amanda

Date of report: 02/12/2022

Ref:68849/FUL

Uhunmwagho

Registration: 03/10/2022

LDfC: 25/10/2022

Expiry Date: 28/11/2022

Site Visit: 03/11/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Installation of a dropped kerb and associated landscaping of driveway

Location: 275 Parr Lane, Bury, BL9 8PJ

Description

The application relates to a two storey mid-terrace property fronting on to Parr Lane. Currently there is a fenced garden to the front with pedestrian access only.

The proposal is to open up the front of the site to create a parking space, including dropped kerb to the pavement in front. The front boundary would be removed and the pedestrian path, gate and posts would be retained. The drive way would have a length of 6m from the rear of the pavement in front and would be constructed using asphalt with small stone chippings laid in the surface. An ACO drain would be installed along the front boundary where the site meets the pavement.

Relevant Planning History

N/A

Publicity

Neighbours notified on 03/10/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections. Condition and informatives suggested.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The new drive way would be similar in appearance to drive ways at other properties along this section of terraced properties. It would not appear out of keeping in the existing streetscene.

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.

Residential Amenity -

- The drive way would be similar to other drive ways along this stretch of Parr Lane.
- It would measure a total of 6m from the rear of the pavement in front to the front of the dwelling. This would be acceptable in terms of SPD 6.
- The proposed materials would not be porous but the revised proposed site plan show there would be an ACO drain installed to the front of the site which would prevent

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- surface water flowing freely on to the highway in front.
- As the property is situated on a straight stretch of road, and the boundary fences to either side would be relatively low there would be no concerns regards pedestrian or highway safety when accessing and leaving the site in a vehicle.

Taking the above in to account the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

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 drawing numbered BM1022/PARR/PL1 received on 03/10/2022 and revised proposed drawing numbered BM1022/PARR/PL2 revision A received on 09/11/2022 as modified by the email from Mr Mark Barber dated 09/11/2022. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The car parking and driveway arrangements indicated on approved plan reference BM1022/PAR/PL2 Revision A, incorporating the provision of a footway crossing, demarcation of the limits of the adopted highway with edgings, driveway to the dimensions shown and provision an ACO drain within the curtilage of the site to prevent the discharge of surface water onto the adjacent adopted highway, shall be implemented prior to the access and driveway 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 pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 02/12/2022			