

DELEGATED REPORT

Report by Tom Beirne	Date of report: 29/05/2024	Ref: 70613/FUL
Registration: 02/04/2024	LDfC: 24/04/2024	Expiry Date: 28/05/2024
Site Visit: 24/04/2024	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: HOUS

Proposal: Creation of new vehicular access

Location: 46 Bradley Fold Road, Radcliffe, Bolton, BL2 5QP

Description

The application relates to a two storey mid-terraced red brick dwelling on a residential road of similar styled houses. There is currently a hedge around the front garden with a pedestrian access into the property. The neighbour at No.50, two doors down has a vehicular access similar to that proposed.

It is proposed to create a vehicular single width access (2.5m wide) from Bradley Fold Road on the right hand side of the frontage whilst retaining the existing hedge along the remainder of the frontage. The new surface on the frontage would be porous/permeable.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 03/04/2024. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition regarding footway.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
OL1/5	Mineral Extraction and Other Development in the Green Belt
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 - The proposal would not have a significant impact on the visual amenity of the property of streetscape, particularly as the access would be single width with the existing mature hedge retained along the remainder of the frontage. As such the proposal is acceptable and complies with UDP policy H2/3 Extensions and Alterations and guidance in SPD6 with regard to visual amenity.

Residential amenity - The proposal would not have a significant impact on the residential amenity of neighbours. As such the proposal is acceptable and complies with UDP policy H2/3 Extensions and Alterations and guidance in SPD6 with regard to residential amenity.

Highways, Parking and Drainage - The proposal would allow the occupier to park two cars on the frontage clear of the highway. The proposal has been amended to reduce the width of the driveway and dropped kerb and is now considered acceptable. The finish to the hardstanding would be permeable/porous to allow appropriate drainage. With a condition to ensure the new access public footway are constructed/reinstated to an acceptable standard, the proposal is acceptable and complies with UDP policy H2/3 Extensions and Alterations and guidance in SPD6 with regard to highway safety.

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 revised 'dropped kerb' plan received 14/05/2024 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 Prior to the extended driveway hereby approved being brought into use, the revised access arrangements indicated on the approved plans, incorporating the provision of a single footway crossing on the northerly side of the property frontage in a position to be agreed on site with the Highway Authority, demarcation of the limits of the adopted highway, new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development and following removal of the affected boundary treatment, shall be implemented to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to UDP Policy H2/3 and guidance in SPD6 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	29/05/2024	DM -	29/05/2024