

DELEGATED REPORT

Report by Claire Booth	Date of report: 06/11/2025	Ref: 71727/CONDIS
Registration: 19/03/2025	LDFC:	Expiry Date: 14/05/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class:

Proposal: Application to discharge condition 4 (revised vehicular access) and condition 5 (bin storage arrangements) on planning permission 71366

Location: 66 Rudgwick Drive, Bury, BL8 1YE

Description

This application seeks to discharge conditions 4 (revised vehicular access) and condition 5 (bin storage arrangements) pursuant to planning permission 71366 which granted permission for the change of use of a detached residential property to a children's residential care home. The property is located on the corner of Rudgwick Drive and Tonbridge Close.

Relevant Planning History

71366 - Change of use from Residential Property (C3) to Children's Residential Care (C2) - Approved with Conditions, subject to conditions, 19/02/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - Requested plans be amended to create two off-road parking spaces and asked for the applicant to be made aware again that separate consent from the Local Highway Authority is required prior to the enlarged dropped crossing being put into place.

Waste Management - No comments or observations received

Pre-start Conditions - Not applicable.

Development Plan and Policies

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.

Assessment

Condition 4

Condition 4 pursuant to application 71366 was as follows:

Notwithstanding the details indicated on submitted plan reference 1983.100, the use hereby approved shall not be commenced unless and until revised vehicular access and parking arrangements, incorporating the extension of the existing footway crossing on its northerly side away from the Tonbridge Close junction and extended hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, have been submitted to and approved by the Local Planning Authority. The alterations subsequently approved and any highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development shall be implemented to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing.

Reason. To ensure adequate off-street car parking and to allow adequate space to maintain a vehicle clear of the highway, in the interests of road safety pursuant to Policies CF1/1 - Location of New Community Facilities, H4/2 - Special Needs Housing, EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policies JP-C5 - Streets for All,

JP-C6 - Walking and Cycling and JP-C8 - Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

Submitted Information

Drawing no. 1983.100: Site and Site Location Plans; and,
Drawing no. 1983.103: Dropped Kerb Proposals

LPA comments

The Highways team, the Local Highway Authority has raised no objections to the submitted details. They have however asked that the applicant is made aware that separate consent is sought from the Local Highway Authority to ensure the proposed widening works to the dropped kerb are carried out by the Council, or one of its approved contractors, to ensure the works would cause no harm to highway safety and pedestrian safety. This information can be added to the decision letter.

Providing that the development is carried out in accordance with the submitted details the requirements of the condition will be complied with. Separate consent should however be obtained from the Local Highway Authority who will agree the extent of the works and as part of those works will require a permeable or porous service.

Condition 5

Condition 5 pursuant to application 71366 was as follows:

Bin storage arrangements shall be provided within the curtilage of the dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' and be made available to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and maintained thereafter

Reason: To ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to Policies CF1/1 - Location of New Community Facilities, H4/2 - Special Needs Housing and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

Submitted Information

Drawing no. 1983.100: Site and Site Location Plans;
Drawing no. 1983.103: Dropped Kerb Proposals; and,
Manchester City Council Waste Management Strategy Proforma

LPA comments

The information submitted indicates that refuse bins would be stored to the side/ rear of the house, behind an existing fence separating the frontage of the house from the enclosed side and rear of it. Siting the bins here will ensure unsightly refuse bins do not detract from the street scene of Rudgwick Drive.

As a result, providing that the development is carried out in accordance with the submitted details and bins are stored in the location shown, the requirements of the condition will be complied with.

To conclude; the submitted details satisfy the requirements of conditions 4 and 5 and therefore it is recommended that both conditions are discharged.

Recommendation: Approve

Conditions and Reasons:

The following conditions pursuant to the above-mentioned planning application have been either partly discharged or fully discharged:

Condition 4 (revised vehicular access)

Submitted Information

Drawing no. 1983.100: Site and Site Location Plans; and,
Drawing no. 1983.103: Dropped Kerb Proposals

The condition is discharged subject to implementation of the approved details and any remaining requirements of the condition and/ or the Local Highway Authority

Separate consent should be obtained from the Local Highway Authority who will undertake the dropped kerb widening works. They have advised that the footway crossing and its extended limits are to be agreed on site and require a porous/permeable driveway to be constructed.

Condition 5 (bin storage arrangements)

Submitted Information

Drawing no. 1983.100: Site and Site Location Plans;
Drawing no. 1983.103: Dropped Kerb Proposals; and,
Manchester City Council Waste Management Strategy Proforma

Providing that the development is carried out in accordance with the submitted details and bins are stored in the location shown, the requirements of the condition will be complied with.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	06/11/2025	06/11/2025	