

DELEGATED REPORT

Report by Mo Warsame	Date of report: 22/03/2023	Ref: 69127/FUL
Registration: 30/01/2023	LDFC: 23/02/2023	Expiry Date: 27/03/2023
Site Visit: 22/03/2023	Site Notice: N/A	Press Date: N/A
10:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Dropped kerb and a new vehicular access

Location: 42 Gorse Hill Cottages, Starling Road, Bury, BL8 2HE

Description

The property is a two storey semi detached stone cottage and one of a pair which sit side on to Starling Road. The adjoining property is No.40. The site has garden to the front with parking and a garden to the rear and open land beyond to the rear. Opposite to the front is No.157 Starling Road a bungalow with an attached garage at the side. The site and the surrounding area is within the Green Belt.

The application proposes a dropped kerb and a new vehicular access. The development would create a new drive via the existing fenced front garden. Whilst the dropped kerb would enable access to the drive.

Relevant Planning History

63728 - Single storey extension at side - Approve with Conditions 05/04/2019

Publicity

Neighbour letter sent on 02/02/2023. No objections.

Highways/Traffic section. No objections subject to conditions.

Statutory/Non-Statutory Consultations

Highways/Traffic section. No objections subject to conditions.

Comments relating the following concerns:

The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the proposed footway crossing and any associated footway remedial works. The cost of the works will be the responsibility of the applicant.

Pre-start Conditions

Agreed.

Unitary 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) 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.

Impact on the Openness of the Green Belt

Section 13 of the NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In this respect, the NPPF does not provide any specific definition of what constitutes a disproportionate addition.

The proposed development relates to a dropped kerb and a new vehicular access therefore, the proposed development would not have any adverse impact upon the openness of the Green Belt and the proposed development would comply with above UDP policies and SPD's and the NPPF.

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. In addition to this UDP Policy EN1/2 - Townscape and built environment seeks to prevent unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements.

The scale of the overall development would be modest and there would be no extension to the driveway. The dropped kerb would give access to the new drive via the existing front fence off the shared boundary with No. 157 Starling Road. The existing fence would be removed and the drive would be relayed with a new porous/permeable material. As such, the development would be considered to be appropriate. However, the proposal has failed to clarify requested information by the highway engineer, therefore pre-commencement conditions to ensure a satisfactory development have been inserted.

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 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 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 the drawings received on 01/02/2023 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 The revised access and parking arrangements shown indicatively on the approved plans, incorporating the formation of a new footway crossing to limits and in a position to be agreed on site with the Highway Authority, all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development, demarcation of the limits of the adopted highway and new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented to the satisfaction of the Local Planning Authority prior to the new access and driveway hereby approved being brought into use.
- Reasons. To secure the satisfactory development of the site in terms of highway safety and maintain the integrity of the adopted highway.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	22/03/2023		