

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 15/11/2022	Ref: 68994/NON
Registration: 17/10/2022	LDfC:	Expiry Date: 14/11/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MADW

Proposal: Non-material amendment following approval of planning permission ref no. 60418 - Increase the width of the emergency access road

Location: Land at York Street, Radcliffe, Manchester

Description

The proposal is a non-material amendment and commencement following approval of planning permission 60418 to widen the full length of the emergency vehicle access (EVA) to 3.7m. The proposal is retrospective and the EVA links the main Bury Road access to the approved residential development site that would be accessed off York Street. The approved planning permission was granted prior to the 2015 flood levels revisions and the permission had been saved being implemented following discharges of planning conditions.

However, the EVA failed due to construction issues and has recently been repaired to the levels approved under 68031, thus keeping above modelled flood levels. The EVA was approved at 3.1m wide under 60418, however the Greater Manchester Fire and Rescue Service (GMFRS) have advised in consultation responses concerning the presently undetermined planning application for 211 dwellings that the EVA should be 3.7m wide and that it should be able to accommodate 12.5 tonne vehicles. The application details are for an EVA that is compliant with those requirements.

Relevant Planning History

Residential site

68994: Non-material amendment following approval of planning permission ref no. 56744 - Increase the width of the emergency access road. Undetermined.

68031: Non-material amendment following approval of planning permission 56744 - Raising of the level of the emergency access road to 70.89m A.O.D to align with the current EA flood modelling work. Approved 16/03/2022.

65847: Full planning permission for 201 dwellings, together with associated car parking, landscaping, public open green space, drainage, the laying out of roads and footways and other associated works including engineering operations to create flood defences and the development platform. Undetermined.

63361: Reserved matters approval for the layout, appearance and landscaping relating to 60418 (Matters of scale and access have already been approved). Approved 15/03/2019.

60691: Variation of condition 22 of 56744 for amendment to access route adjacent to plots 35 & 36/Wincanton site to provide alternative routes. Withdrawn 05/06/2017.

60418: Variation of conditions 20,27,28,29 & 35 of approved planning application 56744 relating to: 20&35- surface water drainage scheme, 27- samples of materials, 28- lifetime homes, 29- footpath and cycle route to vary the timing of submission for implementation.

Approved 13/12/2018. This consent has been commenced and is therefore extant.

56744: Full planning permission for the erection of 153 no. dwellings together with associated works including the laying out of public open space, and the undertaking of engineering operations to remediate the site, raise the levels, construct an emergency access and development platform for future commercial development; Outline planning application for erection of a Class B1/B2 B8 development of 7435 m2. Approved 09/10/2015.

53645: Erection of 200 dwellings; new warehouse (7435 square metres) and land remediation and raising of land; raised emergency access to Bury Road; open space and car parking. Approved 20/04/2011.

Flood mitigation works

65256: Non-material amendment following grant of planning permission 64788: Localised modifications to the defence wall alignment. Specifically, this includes proposals to reposition the defence further away from the north corner of the existing brick building to minimise disturbance of the existing river walls, improve clearance and reduce risk to the existing building. In addition, the section downstream of Bealey's Weir connecting to the Warth Road Bridge is proposed to be repositioned to now align with the front of the existing river wall. Approved 31/03/2020

64790: A series of sheet piled walls and concrete walls across 4 sites at land to west of Metrolink line at Warth Road; Land to west of Bury Road; Land to east of Whitefield Road; Land to west of Hardy's Gate Bridge and Land to north of York Street, Bury. Approved 22/01/2020.

64789: Erection of walls between 1.5m & 3.5m in height to form a flood defence on the land south of Central Avenue & Keswick Drive, Bury. Approved 18/12/2019.

64788: Erection of retaining walls and sheet piled walls between 1m & 3m in height to form a flood defence between the Metrolink bridge and Warth Bridge. Approved 17/12/2019.

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section: No objection.

Greater Manchester Fire & Rescue Service: The emergency access road would need to be a minimum of 3.7m in width between kerbs and be capable of carrying 12.5 tonnes.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
OL5/3	Riverside and Canalside Development in Urban Areas

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.

ASSESSMENT

Other matters

The EVA has been implemented in accordance to the standards required in most recent consultation recommendations from the GMFRS in relation to 68368. In practice, the additional width of 600mm is barely perceptible when in the immediate vicinity of the EVA, and not at all in the wider locality.

As the parent permission 60418, includes conditions that relate to the availability and retention of the EVA for the lifetime of the association residential development and that

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protect the adjacent goit. As this application would have to operate within the scope of the original consent, there would be no reason to withhold this particular request.

Notwithstanding, an informative should be placed on this permission to ensure that the parent permission and its scope requires to be adhered to.

Conclusion - Section 96A of the Town and Country Planning Act 1990 states that, 'A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.'

The assessment of the proposed development above clarifies that the proposed change would not be material as it would not impact upon the design, appearance, residential amenity, ecology or highways matters. As such, the proposed development constitutes a non-material amendment.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposals subject to this application, namely to construct the emergency vehicle access to 3.7m wide and to accommodate 12.5 tonne vehicles at a minimum road level of 70.89m above ordnance datum are considered to be non-material and fall to be considered within the scope of the parent planning permission 60418. As such this proposal is considered to be a non-material amendment.

<u>Case Officer</u> DC	<u>Date</u> 15/11/2022	<u>Sign off Officer</u>	<u>Date</u>
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