

DELEGATED REPORT

Report by Helen Leach	Date of report: 16/08/2024	Ref: 71031/NON
Registration: 05/08/2024	LDFC:	Expiry Date: 02/09/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Non-material amendment following grant of planning permission 67808 (reserved matters for 3 no. dwellings and associated works):

Removal of step in elevation to front and rear to create flush eaves and ridge

Location: Land adjacent to 6 Bentley Lane, Bury, BL9 6RZ

Description

The application site forms part of the garden to No. 6 Bentley Lane. The garden is slightly lower than the road and there is a 2 metre high stone wall along the frontage of the site. The garden contains a stone structure along the southern boundary and a hardstanding in the north eastern corner. The remainder of the site is overgrown with shrubs and trees. Access to the site is via steps from the rear garden of No. 6 Bentley Lane.

Bentley Lane forms the boundary to the north and there are garages and open land beyond. There is a terrace of dwellings to the east with the M66 motorway beyond. There is a detached dwelling to the west with a car park beyond, which has consent for residential development. There is open land to the south, which is at a lower level and has consent to be used for recreation purposes as part of the residential development at the Bevis Green site.

Outline and reserved matters consent have been granted for 3 dwellings on this site in 2020 and 2022 respectively.

The applicant seeks a non material amendment for the removal of the step in the roofline to create flush eaves and ridge. There would be no changes to the floor plan or external appearance of the proposed dwellings.

Relevant Planning History

64525 - Outline application for residential development of up to 3 no. dwellings with all matters reserved at land adjacent to 6 Bentley Lane, Bury. Approved with conditions - 13 May 2020.

67808 - Application for reserved matters approval (access, appearance, landscaping, layout and scale) for the erection of 3 no. dwellings and associated works at land adjacent to 6 Bentley Lane, Bury. Approved with conditions - 1 June 2022.

69485 - Erection of 3 no. dwellings and associated works at land adjacent to 6 Bentley Lane, Bury. Refused - 16 June 2023.

Adjacent site

34658 - Two storey extension at side of 2 Bentley Lane, Bury. Approved with conditions - 12 October 1998.

63533 - Residential development comprising 268 dwellings (Class C3) with associated access, car parking, landscaping and open space at Bevis Green Works, Mill Road, Bury.

Approved with conditions - 6 February 2020.

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework

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 - On the approved plans, plot 3 was slightly higher than the other 2 plots, which resulted in the eaves and ridge being 0.3 metres higher for plot 3. The proposed development would remove the step and all three dwellings would be at the same height for the eaves and ridge. The proposed change would not have an adverse impact upon the appearance and character of the dwellings and would match the adjacent terraced row.

Impact upon residential amenity - The proposed development would not change the external appearance with the exception of the roof and as such, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties

Recommendation: Approve

Conditions and Reasons:

The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon highway safety and would still be in accordance with the overall principles in terms of the approved application 67808 and the Policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 16/08/2024		DM - 19/08/2024	