

DELEGATED REPORT

Report by Tom Beirne	Date of report: 28/10/2020	Ref: 65873/FUL
Registration: 09/09/2020	LDFC: 30/09/2020	Expiry Date: 04/11/2020
Site Visit: 24/09/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Formation of new vehicular crossing/driveway at front

Location: 54 Whittaker Lane, Prestwich, Manchester, M25 1FX

Description

The application relates to a two storey semi-detached house on a Whitaker Lane, a road predominantly made up of residential properties with a number of commercial properties towards the Bury Old Road end. Currently the property has a small front garden with a stone retaining wall. A number of neighbouring properties have converted their frontages to accommodate parking.

The applicant proposes to convert the front garden to a parking area to accommodate two cars. The new imprinted concrete hardstanding would slope gradually from the house to the footway with part of the retaining wall retained to protect the existing streetlight, adjacent to the wall.

Relevant Planning History

51227 - Two storey rear extension - Approved 28/05/2009

Publicity

Immediate neighbours notified by letter dated 10/09/2020. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
NPPF	National Planning Policy Framework
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN5/1	New Development and Flood Risk

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.

Visual amenity - The proposed new hardstanding would be modest in scale and with boundary walls on either side and planting in adjacent properties, would not have a seriously detrimental impact on the streetscape along Whitaker Lane and complies with UDP Policy EN1/2 Townscape and Built Design and H2/3 Extensions and Alterations and associated SPD6.

Residential amenity - There are no residential amenity issues arising from the new hardstanding/parking.

Traffic - There is no objection to the scheme in terms of highway safety. The new off-street parking created would benefit the present occupiers and reduce on-street parking along Whitaker lane. The proposal complies with UDP Policy H2/3 and HT2/4 with regard to parking.

Drainage - The proposal includes a drainage channel along the boundary with the public footway to prevent excessive surface water run-off into the road. This is acceptable and complies with UDP Policy EN5/1 regarding flood risk.

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 drawings received 21/10/2020 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 commencement of development, the detailed formation of the new vehicular access and driveway arrangements, incorporating the provision of a footway crossing, retention of a section of boundary wall adjacent to the existing street lighting column, drainage and all associated footway remedial works abutting the site required as a result of the proposed development, shall be implemented to an agreed specification and to the written satisfaction of the Local Planning Authority prior to the access and driveway hereby approved being brought into use.
Reason. 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>
Tom Beirne	28/10/2020	DM	30/10/2020