

DELEGATED REPORT

Report by Mo Warsame	Date of report: 11/06/2024	Ref: 70631/FUL
Registration: 27/03/2024	LDfC: 02/05/2024	Expiry Date: 22/05/2024
Site Visit: 07/06/2024	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of wrought iron railings to front wall and 1.3m high electric driveway gate

Location: 369 Holcombe Road, Tottington, Bury, BL8 4DT

Description

The application relates to an end terraced, two storey dwelling house located on Holcombe Road. The premises has areas of garden to the front, side and rear with off street parking provided to the side of the property.

Planning permission is sought for the erection of wrought iron railings to front wall and 1.3m high electric driveway gate.

Please note, the driveway access has been extended without planning permission.

Relevant Planning History

02494/E - Single storey extension increased to two storey - Enquiry completed 09/10/2020
64477 - Single storey extensions at side/rear and alterations to existing outrigger at rear -
Approve with Conditions 19/09/2019
22/0174 - Building works - 03/10/2022

Publicity

Neighbour letters sent. No objections.

Statutory/Non-Statutory Consultations

Traffic Section.

Comments

The proposed access would be unacceptable, unlawful and should be reinstated to its original, otherwise it cannot be supported.

Pre-start Conditions

N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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 PpE 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

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

This is a partly retrospective application with no clarity of the true width of the driveway. Therefore, the Traffic Section (Highways) did initially not support this application as they believed the proposed access to be unacceptable, unlawful and should be reinstated to its original. Following a lengthy negotiation with the agent, revised plans has been submitted showing the access reinstated to its original state. As it currently stands, this element of the proposal would now be acceptable.

The rest of the proposal entails; wrought iron railings to front wall and 1.3m high electric driveway gate that would be considered to be of a suitable scale and massing and would not overwhelm the dwelling or result in overdevelopment of the associated residential amenity space.

It is therefore considered that the proposed development would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

Given the size and siting of the extension in relation to immediate neighbours, there are no serious residential amenity issues arising. The proposal is acceptable in terms of residential amenity and complies with H2/3 Extensions and Alterations and SPD6.

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 drawings numbered dwg no.ZT24-196-00, dwg no.ZT24-196-01, dwg no.ZT24-196-02, dwg no.ZT24-196-03, dwg no.ZT24-196-04 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	11/06/2024	DM	12/06/2024