

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/06/2024	Ref: 70584/FUL
Registration: 21/05/2024	LDFC: 14/06/2024	Expiry Date: 16/07/2024
Site Visit: 11/06/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Widening of existing driveway and formation of 5 no. car parking spaces; erection of 2 no. sliding access gates and 1.3 metres high fencing

Location: Land fronting 21/23 Bolton Road, Tottington, Bury, BL8 4HZ

Description

The application involves rearranging the existing access from Bolton Road into two detached properties on the south side of Bolton Road. The existing access is formed by an unmade access track running across the frontage of both properties between the public footpath the curtilage and forming an 'in-out' arrangement. The area on the frontage is comprised of an open grassed verge with a number of trees and shrubs. The site lies within the green belt but is part of a ribbon of residential development extending west from Ramsbottom.

It is proposed to widen the existing two access points and erect a wrought iron fence 1.3m high along the back of the existing verge with new gates at the existing entrance points to each of the two houses. The existing hedgerow that would run adjacent to the new railings would be retained as would three large Sycamore trees on the grassed verge. Two mature Ash trees and a group of three small ash trees would be felled due to Ash dieback.

The works comprise widening and resurfacing the two access points with permeable tarmac and resurfacing unmade linking track with a form of grasscrete known as Geoweb to create a private parking area between the highway and the front gardens of the properties at Nos.21 and 23 Bolton Road.

Relevant Planning History

58207 - Single storey extension at rear with garage conversion and replacement windows and doors - Approve with Conditions 09/01/2015

70757 - Erection of Garden/Annexe building to the side - undecided

Publicity

Immediate neighbours notified by letter dated 24/05/2024. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Greater Manchester Ecology Unit - No objection

Pre-start Conditions - N/A

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

EN1/2 Townscape and Built Design

EN1/1 Visual Amenity

OL1/2	New Buildings in the Green Belt
HT6/2	Pedestrian/Vehicular Conflict
PfE	Places for Everyone
EN6	Conservation of the Natural Environment
EN8/2	Woodland and Tree Planting

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.

Green Belt - The site is on an existing ribbon of residential development on a busy road to the west of Ramsbottom. Given the modest nature of the proposal and the presence of hedging and trees along the frontage that would help screen the new railings, the proposal set within the existing streetscape, would not impact on the openness and character of the green belt. The proposal is acceptable and complies with the NPPF, PfE and UDP green belt policy in this respect.

Visual amenity - The new railings and gates would be traditional in appearance and set against the existing hedgerow at a height of 1.3m, would not appear incongruous within the streetscape. In terms of visual amenity the proposal would be acceptable and comply with UDP Policies EN1/2 Townscape and Built Design and OL1/2 New Buildings in the Green Belt and associated guidance document SPD8.

Residential amenity - Given the nature of the proposal, there are no residential amenity issues arising. No objections were received.

Ecology - A tree assessment and method statement (Mulberry, May 2024) were submitted with the application. The main impact on the trees along the frontage would be the impact on root structures due to the resurfacing of the existing driveway to create the widened access and new parking area with permeable tarmac and grasscrete/'Geoweb' surface respectively. The assessment indicates that the existing trees would not be impacted significantly by the development as the Geoweb is designed to minimise damage to roots and allow permeability. However two larger Ash trees and a small group of three Ash trees need felling due the presence of Ash Dieback.

Whilst it is considered that the development is exempt from 10% biodiversity net gain as it was submitted prior to it becoming mandatory for non-major developments, there should be some mitigation in the form of one new tree planted along the frontage. It is also recommended that a bird box be provided to further mitigate for loss of bird nesting opportunities. The proposal in terms of ecology is acceptable and complies with the NPPF, PfE and UDP Policies EN6 Conservation of the Natural Environment and EN8/2 Woodland and Tree Planting.

Highway safety and Parking - The proposal in widening the entrance points, would improve the access onto Bolton Road. The new gates would be set back 5m to allow cars to pull off the highway before the gates open. Appropriate visibility onto Bolton Road would be maintained. The traffic team have no objection to the proposal which is acceptable and complies with UDP Policies H2/3 and guidance document SPD6 relating to extension and alterations and HT6/2 Pedestrian/Vehicular Conflict.

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 drawings numbered 23/639.01 and 07B, 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 access and boundary wall/fencing alterations indicated on approved plan, incorporating modifications at the interface with Bolton Road, sliding vehicle gates set back as shown clear of the limits of the adjacent adopted highway, foundations that do not encroach under the adjacent adopted highway and all associated highway remedial works that may be required as a result of the proposed development, shall be implemented to the satisfaction of the Local Planning Authority before the widened driveway and parking spaces hereby approved are brought into use.
Reason. In the interests of highway safety and to maintain the integrity of the adopted highway pursuant to UDP Policy H2/3 and guidance document SDP6 Alterations and Extension.
- 4 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 and guidance document SDP6 Alterations and Extension.
- 5 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a nesting bird survey method statement by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.
Reason. In order to protect nesting birds in the interests of ecology and pursuant to the NPPF, PfE and UDP Policy EN6 Conservation of the Natural Environment.
- 6 Prior to the first use of the proposal, a scheme for the planting of one native tree and the provision of a bird box within the site shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented not later than 6 months from the first use or within the first available tree planting season; and should the tree be removed, die or become severely damaged/diseased within three years of planting, it shall be replaced with a tree of similar size/species.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 7 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 Townscape and Built Design and EN8/2 Woodland and Tree Planting of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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Tom Beirne	19/06/2024	DM - 20/06/2024
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