

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/05/2024	Ref: 70662/FUL
Registration: 11/04/2024	LDFC: 13/05/2024	Expiry Date: 06/06/2024
Site Visit: 02/05/2024	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: MIOT

Proposal: Variation of condition no. 2 (approved plans) and no. 7 (landscaping plan) of p/p 69668: Remove the conifers running along rear boundary and replace with a 450mm high trellis above the existing fencing and plant growing vines up the fence and into the trellis, creating a green screen over time.

Location: Elton Fold Working Mens Club, Leigh Lane, Bury, BL8 2RH

Description

The site relates to a social club which is located on a triangular shaped corner plot in a setting of mixed uses. Beyond the north and western boundaries are residential properties on Elton Fold Chase, to the east is a car repair garage and opposite the site to the south is a church and primary school.

The site comprises a social club which is a single storey traditional brick build. There is seating to the front and side and a vehicular access which is located off the side street to the east which is used to service the building and could be used to park a couple of cars. The front of the site is bounded by a brick wall with a palisade fence on top, to the side is a brick wall boundary and the rear yard is enclosed by a palisade fence and gates to the access.

Planning permission was granted in July 2023 for a single storey rear extension with an access ramp. The proposal included a line of conifer trees to be planted along part of the rear elevation to the boundary with the houses on Elton Fold Chase to screen the extension from some views from these houses. .

The applicant is now seeking to amend the landscaping and proposes a 450mm high trellis above the existing fence with plant growing vines. The vines would be evergreen and maintained by the club.

The application has been submitted as a variation of condition (conditions 2 and 7) to the approved plans and landscaping scheme.

Relevant Planning History

02763/E - Extension to rear of club to form a games room - Enquiry completed 26/10/2022
66291 - Erection of 3 No. bay practice nets and security fence - Approve with Conditions 11/02/2021
69668 - Single storey rear extension with access ramp - Approve with Conditions 06/07/2023
15/0387 - Creation of beer garden/children's play area - 18/09/2015

Publicity

Letters sent to 21 properties on 19/4/24.
No formal responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
EN7/2	Noise Pollution
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-P1	Sustainable Places

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.

Layout and siting

The works to the extension have commenced on site and are nearing completion. The proposed trellis would be installed above the existing fencing which runs along the rear boundary of the site to the houses on Elton Fold Chase.

The originally approved landscaping extended the length of the rear elevation only and it is now proposed to continue the planting along the full length of the rear boundary which would provide some additional screening of the extension to houses on Elton Fold Chase.

The planting would be an evergreen type and therefore would provide year round coverage. the applicant states that the planting would be maintained by the Club on a regular basis.

The original proposal for the extension was a relatively small addition to the existing club and facility and it is considered the level and type of planting to the neighbouring houses which is now proposed would be commensurate with the scale of development involved.

It is therefore considered that the variation to the originally approved scheme would be acceptable and comply with EN1/2.

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 This decision relates to drawings -
Location plan ZT23-196-00;
Proposed site plan ZT23-196-03;
Proposed plans ZT23-196-10
Proposed front and side elevation ZT23-196-11
Proposed rear and side elevation ZT23-196-12
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.
- 2 The landscaping shown on the hereby approved plans shall be implemented prior to the first use/occupation of the extension hereby approved. The planting shall be of an evergreen type and shall be maintained at regular intervals. Any planting dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by same or similar size of species to those originally required to be planted.

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Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EN1/2 - Townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	16/5/24		