

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	21 January 2020
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined) none <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined) none
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

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**Planning Appeals Lodged
between 09/12/2019 and 12/01/2020**



Application No.: 64719/FUL

Appeal lodged: 12/12/2019

Decision level: COM

Appeal Type: Written Representations

Recommended Decision: Approve with Conditions

Applicant: Harrington House Estates Ltd.

Location 79 Bury New Road, Whitefield, Manchester, M45 7EG

Proposal Change of use from existing 6 bed HMO (Class C4) to 8 bed (8 person) house in multiple occupation (HMO) (Sui Generis)

Application No.: 64720/FUL

Appeal lodged: 11/12/2019

Decision level: DEL

Appeal Type:

Recommended Decision: Refuse

Applicant: Andrew Industries Ltd

Location Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1NG

Proposal Variation of condition no. 17 (affordable housing provision to include vacant building credit) of planning permission ref. 64128

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 09/12/2019 and 12/01/2020**



Application No.: 64357/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mrs Lauren Cohen

Location: 408 Bury Old Road, Prestwich, Manchester, M25 1PZ

Proposal: Creation of new vehicular access and driveway

Appeal Decision: Dismissed

Date: 13/12/2019

Appeal type: Written Representations



Appeal Decision

Site visit made on 4 December 2019

by **Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/T4210/D/19/3237543

408 Bury Old Road, Prestwich M25 1PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lauren Cohen against the decision of Bury Metropolitan Borough Council.
 - The application Ref 64357, dated 25 June 2019, was refused by notice dated 8 August 2019.
 - The development proposed is a driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The proposed driveway would be accessed directly from Bury Old Road, a busy classified road. Whilst the appellant has made reference to properties in the vicinity of the site that have driveways, these instances are limited in number and it is generally uncommon in the surrounding area for individual properties to take a vehicular access from the main road.
4. The addition of a driveway in this location would result in an increase in the number of vehicles entering and exiting the road, to which the Highway Authority has raised an objection. I share this concern and consider that the proposed development would lead to conflict with the very frequent traffic which passes the site. This would result in significant harm to highway safety.
5. I was able to observe during my site visit that there is parking provision to the rear of the dwelling. Whilst the appellant contends that this area is not useable and is regularly blocked, I have no substantive evidence to demonstrate that this is the case. In any event however, the availability or otherwise of the rear parking area does not justify an access point onto Bury Old Road that would cause the degree of harm to highway safety that I have identified.
6. The appellant has provided additional information in support of the appeal regarding the size of the front parking area and the ability to turn a vehicle. These plans do not however appear to have been provided at the planning application stage and therefore have not had the benefit of comment by the Highway Authority. However, as I have found the principle of the access point

itself to be unacceptable, it is not necessary for me to consider, in the absence of comments from the Highway Authority, whether the additional information is likely to overcome the Council's second reason for refusal.

7. The appellant considers that the proposed development is required, that it would improve the property and would bring benefits to the area. Whilst there would be some resultant benefits, in particular to the property itself, these do not outweigh the harm to highway safety that I have identified. A copy of an approval obtained from the Highway Authority to undertake works to the public highway has been provided, however this is clear that planning approval is also required for the proposal.
8. For these reasons, I conclude that the proposed development would cause significant harm to highway safety. I have been referred to Saved Policy H2/3 of the Bury Unitary Development Plan 1997 and the Alterations and Extensions to Residential Properties Supplementary Planning Document 2010, but both refer only to highway visibility matters. However, the National Planning Policy Framework (The Framework) outlines sustainable transport as a key planning objective and within this is a requirement that developments have safe and suitable access. As I have found that the proposal would have an unacceptable impact on highway safety, the objectives of The Framework would not be met.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR