

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 15/04/2024	Ref: 70505/FUL
Registration: 20/02/2024	LDfC: 13/03/2024	Expiry Date: 16/04/2024
Site Visit: 29/02/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of 2.5 metre high boundary security fence/gates

Location: 88 Meade Hill Road, Prestwich, Manchester, M8 4LP

Description

The proposal relates to Meade Hill Shul, which is positioned to the immediate south-west of the junction between Middleton Road and Meade Hill Road. The shul building occupies a site of 0.53 hectares that is vibrantly vegetated and bounded by low ornamental iron and chainlink fences.

The proposal is for the erection of a 2.5 metre high boundary close mesh security fence/gates (finished in green - RAL 6005) to the full boundary of the site to Meade Hill Road and Middleton Road. No trees would be removed and the excavations for the fence posts would be hand dug and tree roots would be avoided.

The supporting Planning Statement claims that enhanced security measures are necessary to mitigate against breaches and that similar developments have been approved at other religious sites in Prestwich.

Relevant Planning History

None applicable

Publicity

25 addresses directly notified on 21/02/2024. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition relating to implementation and repair.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
CF1/1	Location of New Community Facilities
EN1/1	Visual Amenity
EN1/7	Throughroutes and Gateways
JP-G7	Trees and Woodland

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.

ASSESSMENT

Visual amenity

The site is located in a prominent position adjacent to an identified main throughroute (A576). The proposed fence would be a see-through mesh type and as it would be finished in green and set against lush and vibrant vegetation, the proposal would not have any harmful impacts upon visual amenity or the street scene.

Other matters

Highways.

The Highway Authority is satisfied that subject to a condition to ensure that the fencing enables intervisibility, inward opening gates, that installation does not encroach upon the adopted highway and any damage is made good, then the proposal would not have any unacceptable impacts upon road safety.

Trees

Trees at the site are not protected. Furthermore, boundary fencing could be erected replacing the existing without the need for planning permission. The application states that trees would be unaffected by the proposed fencing.

Given the above, it would not be reasonable to attach a condition requiring an arboricultural method statement.

CONCLUSION

The proposed fencing/gates would not have any unacceptable impacts upon visual amenity or the street scene, highway safety or existing trees.. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal therefore merits approval.

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
 Location Plan dated 12/02/2024
 Proposed - Boundary Treatment (Dwg No. 503 1)
 Proposed New Fence (Dwg No. 504 1)
 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 external materials used in the construction of the development hereby approved shall be as detailed in the submitted details.
 Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 of Bury Unitary Development Plan.
- 4 The gates indicated on the approved plans and submitted details shall be of a close mesh type and incorporate inward opening pedestrian and vehicular gates only and foundations that do not encroach under the adopted highway. Any highway remedial works that may be required as a result of the removal of the existing boundary treatment and erection of the new fence/gates, shall be implemented within three months of the erection of the development.
 Reason. To ensure the intervisibility of the users of the site and the adjacent highways, in the interests of road safety and to maintain the integrity of the adopted highway, pursuant to Policy EN1/2 of the Bury Unitary Development Plan.

<u>Case Officer</u> DSC	<u>Date</u> 15/04/2024	<u>Sign off Officer</u> DM	<u>Date</u> 16/04/2024
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