

DELEGATED REPORT

Report by Mo Warsame	Date of report: 16/02/2023	Ref: 68678/FUL
Registration: 23/08/2022	LDFC: 27/09/2022	Expiry Date: 18/10/2022
Site Visit: 26/10/2022	Site Notice: N/A	Press Date: N/A
13:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Widening of existing driveway with formation of new vehicular access and erection of front boundary wall and gates

Location: 20 Sheepfoot Lane, Prestwich, Manchester, M25 0BN

Description

This application relates to a detached residential dwelling located on Sheepfoot Lane. The wider area is depicted by large detached residential dwellings and there are no properties in front of the site.

Planning consent is sought for the widening of existing driveway with formation of new vehicular access and erection of front boundary wall and gates. The proposed wall would reach a height of approximately 1200mm, with railings on top creating a combined height of 1800mm. The proposed wall has pillars that reach a height of 2250mm. The proposal would also introduce a further set of pillars at approximately 2700mm in height at either side of the entrance gates. The walls would measure approximately 8 metres on each side of the entrance gate before curving into the entrance with gates set back 5 metres from the kerb line.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 06/09/2023. No objections received.

Statutory/Non-Statutory Consultations

Highways/Traffic Section. No objection subject to condition.

Comments relating the following concerns:

1. Visibility Splays.
2. Tracked turning facilities.
3. Confirmation of inward opening/sliding gates and method of operation, set back a minimum of 5.0m measured from the back of the widened footway.
4. confirmation of proposed porous/permeable driveway materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway.
5. confirmation of proposed porous/permeable driveway materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway.

Pre-start Conditions

Agreed.

Unitary Development Plan and Policies

SPD11 Parking Standards in Bury

NPPF National Planning Policy Framework

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) and 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 Policy 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

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties

(SPD6) notes that boundary enclosures should respect the character of the street scene. In addition to this UDP Policy EN1/2 - Townscape and built environment seeks to prevent unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements.

The massing of the wall and the overall height of the wall and railings, pillars and the gate post pillars are acceptable and considered to be appropriate. However, the proposal has failed to clarify requested information by the highway engineer, therefore pre-commencement conditions to ensure a satisfactory development have been inserted.

Residential Amenity

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

- The proposed development would have no significant adverse impact on the residential amenity of any adjacent neighbours.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties and Development Control Policy Guidance Note 11 - Parking Standards in Bury.

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 DA22072. 004, DA22072. 005. 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 Notwithstanding the details shown indicatively on the submitted plans, no development shall commence unless and until full details of the following have been submitted to the Local Planning Authority on a topographical survey of the site and adjacent adopted highway
 - visibility splays appropriate for a design speed of 30mph plotted at the junction of the new, central access with Sheepfoot Lane;
 - tracked turning facilities within the curtilage of the site, lost as a result of the change from the existing in/out arrangements;
 - reconstruction of the footway abutting the site, widened to reflect the visibility splays required and incorporate the reinstatement of the two redundant footway crossings, provision of the new, central one and all associated accommodation works;

DELEGATED REPORT

- confirmation of inward opening/sliding gates and method of operation, set back a minimum of 5.0m measured from the back of the widened footway;
- confirmation of wall foundation details for the boundary treatment sited clear of the required sightlines, incorporating a detail that does not project under the proposed limits of adoption on Sheepfoot Lane;
- confirmation of proposed porous/permeable driveway materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway.

The details subsequently approved shall be implemented to an agreed programme with all highway works completed prior to the development hereby approved being occupied.

Reasons. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety.

- 4 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
- Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW - 16/02/2023			