

DELEGATED REPORT**Report by** Amanda**Date of report:** 23/08/2023**Ref:**69854/FUL

Uhunmwagho

Registration: 06/07/2023**LDfC:** 15/08/2023**Expiry Date:** 31/08/2023**Site Visit:** 26/07/2023**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:** N/A**Adv Type:** PI**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Flood barrier and soil retention wall.**Location:** 21 Hey Croft, Whitefield, Manchester, M45 7HX**Description**

The application relates to a two storey detached property situated at the head of a cul-de-sac. There is large front garden area with parking on site for several vehicles. There is a fence along the southern boundary and wrought iron railings along the west boundary. There is a pond situated to the south of site and a footpath the front separates the site from neighbouring properties.

The proposal is to replace the dilapidated fence along the south boundary which is slowly falling in to the pond area to the south. The applicant proposes to build a concrete retaining wall to part of the southern boundary where the land is currently unstable. The retaining wall would be below ground level and it would measure 8m wide x 1.1m high. Above ground level the old fence would be replaced with wrought iron railings measuring 1.1m high.

Relevant Planning History

- 62934 - Two storey extensions at side / rear; Single storey front extension. Loft conversion and raising of ridge height of roof - Approve with Conditions 10/08/2018
- 19/0084 - Not being built in accordance with approved plans 62934 - 12/04/2019
- 02656/E - Flood barrier and soil retention wall - Enquiry completed 04/11/2021

Publicity

Neighbours notified on 24/07/2023 - No comments or objections received.

Site notice erected on 26/07/2023.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.**Unitary Development Plan and Policies**

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The concrete retaining wall would be below ground level. As such it would not have any impact on visual amenity in the area.

The wrought iron railings measuring 1.1m high would match the existing railings along the west boundary and they would be around 23m set back from the site entrance. The new railings would improve the appearance of the site, given that currently there is a dilapidated fence along this boundary. The design of the proposal is considered acceptable in this

location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- As the retaining wall would be below ground level it would not have any negative impact on residential amenity in the area. In fact it would help protect the pond area to the south of site as it would prevent any land slides from the site in to this area.
- The proposed wrought iron railings along the southern boundary would be adjacent to a pond only and would not be adjacent neighbouring residential properties.
- Certificate A was submitted with the application to confirm that all the proposed works would be within the site boundaries.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

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 1, 2 and 3 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the proposal hereby approved shall be a concrete retaining wall below ground level with wrought iron railings above ground to match the existing railings along the western boundary.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 23/08/2023		DM 25/08/23	