

DELEGATED REPORT

Report by Tom Beirne	Date of report: 02/07/2024	Ref: 70828/FUL
Registration: 05/06/2024	LDfC: 28/06/2024	Expiry Date: 31/07/2024
Site Visit: 25/06/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of 2m high gates at front

Location: 512 Bolton Road West, Ramsbottom, Bury, BL0 9RU

Description

The application relates to a large detached house on a residential road of similar styled properties. Low brick wall and mature beech hedge along the front boundary with an open access point. Neighbours on either side have similar hedging and there are various examples of gates along the road.

The proposed gates would be timber and traditional in design with a central arch. They would be electrically operated and inward opening.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 07/06/2024. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition re electric gates.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Visual amenity - The proposed gates are traditional in design and lower than the level of the adjacent hedge. As such they would not appear out of keeping or incongruous within the streetscape. There are other similar gates along the road. In terms of visual amenity the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - In terms of residential amenity the proposal does not raise any issues and is therefore acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Traffic/highway safety - The proposed gates would open inward and be electrically operated which improves highway safety as vehicles do not need to stop on the adjacent footway to open the gates manually. Visibility is not made any worse and as such the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to highway safety.

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 No.102, 103 and 401 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 proposed gates shall be inward opening and electrically operated as indicated on the approved plans and as confirmed in the supporting information received by the Council on 12 June 2024 and shall be implemented and maintained to the satisfaction of the Local Planning Authority.
Reasons: In the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations and guidance document SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	02/06/2024	DM - 04/07/2024	