

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135575/FO/2022
Date registered valid: 13 December 2022
Proposal: Alteration to boundary treatment
Address: 65 Bothwell Road, Manchester, M40 7NY
Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Sinisa Nedeljkovic Northwards Housing
Agent (if any):
Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 25/01/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 4 January 2023 Expired: 25 January 2023

Neighbour notifications

Printed: 4 January 2023 Expired: 25 January 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order: n/a

Description of area

The area relates to an called Miles Platting, a neighbourhood in Manchester just North-East of Manchester city centre. The area is on the western side of Oldham Road, a major gateway route in and out of Manchester. The area is mainly residential, with a mixture of apartment blocks and terraced housing.

The site relates to the boundary treatment at the end of the driveway of number 65 Bothwell Road, a residential terraced property.

Description of development

The development relates to the expansion of the driveway gate section of the external boundary wall/ fence that faces the pavement of Bothwell Road. The gateway would be widened by 1m. The new gates and gatepost would be designed to visually match the existing fence and gate.

Consultations & Notification Responses

Highways – no objections but informatives suggested.

Publicity - Letters were sent to surrounding occupiers. Four objections have been received. The concerns of each objection are summarised below:

-Will increase pressure on street parking. Will increase tensions between neighbours. Will increase risk of crime

- Will set bad precedent. Will increase risk of street crime.
- Will increase pressure on street parking. Will set bad precedent.
- Unfair on other neighbours.

Issues

The rationale for the extension of the driveway gate is to allow easier passage of the occupier's vehicle in and out of the driveway. In this instance, the ability to pass unhindered on and off the property is of greater importance as a disabled access issue. The occupiers need to be able to use their car at all times, as an inability to do so would create a problem for disabled access.

A site visit noted several signs on the existing gate and fencing requesting the drive is left unblocked, suggesting this matter is of particular importance to the occupier. The extension of the gate to allow for better disabled access is considered to be in accordance with Policy T1 of the MCS which states that transport facilities should be improved to provide access to disabled people and DM1 which states that buildings should be fully accessible to disabled people.

Objectors have highlighted the impact that the development would have on the availability of street parking in the area. A site visit noted that all houses in the area have off-street parking for at least one vehicle. No parking restrictions were noted on the street or on nearby streets suggesting that ample street parking is available if needed.

The proposed enlargement of 1m is modest and less than a whole car parking space in length. Therefore, the proposed development is not considered to have any significant impact on street parking. Furthermore, Policy T1 of the MCS states that the needs of disabled people and pedestrians take precedence over those of other road users, so any impact on street parking is less of a priority than improving disabled access.

The development is not considered to create any degree of harm to visual amenity as the new gate has been designed to create a visual match to the old gate when closed. Pursuant to policy DM1 which states that materials and detail should be appropriate.

The gate as shown on the drawings will fold inwards, ensuring that the gate should not impinge on the adopted highway, as requested by Highways. This is included as an informative for the avoidance of doubt.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development

Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Drawing - Existing & Proposed Drive Gates Elevations received by the city council, as local planning authority, on 13/12/2022

-Drawing - Proposed New Drive Gates REV 1 received by the city council, as local planning authority, on 23/11/2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Informatives

- 1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).
- 2) The applicant has confirmed via email that their intention is to widen their dropped kerb. The applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for construction of the proposed vehicular access and dropped kerbs on Bothwell Road and will require a crossing licence/agreement. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will be funded at the applicant's expense.
- 3) It should be noted that all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway. It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

- 4) The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.
- 5) It is expected that refuse servicing will continue as present, bins will be stored within the sites curtilage and presented to the highway on waste collection days.

Appendix 1 – List of consultees & neighbours notified

Highway Services

63 Bothwell Road, Manchester, M40 7NY

67 Bothwell Road, Manchester, M40 7NY

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRAL