

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133019/FH/2022
Date registered valid: 22 February 2022
Proposal: Creation of access
Address: 120 Cavendish Road, Manchester, M20 1QH
Ward(s): Didsbury West Ward

Applicant: Andrew Budory, 120 Cavendish Road, Manchester, M20 1QH
Agent (if any):
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 3 May 2022

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: April 2022

Standard consultations:

Printed: 1 March 2022 Expired: 22 March 2022

Neighbour notifications

Printed: 1 March 2022 Expired: 22 March 2022

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

The property that is the subject of this householder application is a brick built mid terraced property identified as 120 Cavendish Road. It has garden area to the front and rear. The front garden has been hard surfaced with a resin bonded gravel surface and is used to park a vehicle off road. The rear garden area is accessed from alongside number 116 Cavendish Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature.

Description of development

The application is for the creation of a dropped Kerb and a punch through access onto the driveway. Planning permission is not required for the dropped Kerb, and this has been approved by highways separately, an extract of the permission is included within the application form. The front wall would be partially demolished leaving a 1 metre gap to the CAT box which is located one side of the front boundary wall. The wall once demolished will be made good to either side.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

West Didsbury Residents Association

WDRA appreciate there are no grounds for objection but regret at a loss of period features and another garden being converted into parking space. We request that any hardstanding garden replacement be suitably permeable.

Subject to the above comments WDRA have no objection to this proposed dropped kerb

Highways- requested further information re the dimensions of the parking space to be served by the new access point. This information was provided together with details of the soakaway to the parking space, and Highways have confirmed the proposal is acceptable.

Issues

Policy

Policies National Planning Policy Framework - July 2021

The NPPF sets out the Government's priorities for the Planning system and is a material consideration in the decision-making process. It places emphasis on the three strands of sustainable development and its social, environmental and economic functions.

Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. In this case specific weight is given to the following principles and the need to:

ii. Secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Core Strategy 2012 - 2027 (adopted July 2012)

Manchester Core Strategy - The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Policies of relevance to this application are:

Policy DM1 - Development Management

All development should have regard to the following specific issues relevant to this application:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Design for health.

Adequacy of internal accommodation and external amenity space.

- Refuse storage and collection.

Residential/ Visual Amenity

The submitted application is for the creation of an access to the front and the installation of dropped kerb.

It was noted during the site visit that the property benefits from a square shaped front garden area which consists of a resin bonded gravel surface, the edges are bounded by decorative blocks. The front boundary wall with coping stones has partially been removed to facilitate the opening and the wall / post either side of the opening made good. The access to the parking space is to be retained as an open access, and therefore no detail is required for gates etc.

Whilst from a visual point of view retaining the boundary walls is preferable, it has to be acknowledged that this is an area that suffers greatly from issues relating to on street parking, and the partial removal of the boundary with the retention of the remainder enables definition between public and private defensible space whilst removing a vehicle off street.

It is not considered that the proposal would have a detrimental impact upon either the residential or visual amenity of the neighbouring properties, nor upon the character of the area within which it is located.

Permeability

The parking area created has a soakaway gulley included within the back of the space, that run the full width of the front garden. As such given the rearward slope of the front garden, any run off would naturally gravitate towards the gulley rather than run off onto the highway.

Design and Appearance

The development is in keeping with the original property and in terms of design and appearance is of a standard construction and therefore it is considered that the proposal is acceptable in design terms.

Highways

The main access to the property is gained from Cavendish Road. The pedestrian access is to remain. The off street car parking is acceptable by Highways as the length of the driveway is sufficient so that the vehicle does not overhang on the footway.

There is an extract as part of the application form from the team that deal with dropped kerbs to state that the works are approved.

Relevant informatives' will be applied to any approval making the applicant aware of the highways works.

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 agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case no significant issues have arisen during the consideration of this application and the application has been determined in line with both national and local policies. Appropriate conditions have been attached to the permission granted

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:

Location Plan received 22.02.2022

Email and block plan from applicant showing dimensions of driveway received 25.04.2022

photographic evidence of soakaway received 22.04.2022

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 should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email -highwaylicenses@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services

122 Cavendish Road, Manchester, M20 1QH

131 Cavendish Road, Manchester, M20 1LS

135 Cavendish Road, Manchester, M20 1LS

133 Cavendish Road, Manchester, M20 1LS

129 Cavendish Road, Manchester, M20 1LS

118 Cavendish Road, Manchester, M20 1QH

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 Zone - All Exceeding 90M

Area Team Boundary - Name: SOUTH