Planning

Growth & Development

Delegated officer report for planning application

Application no.	141133/FH/2024
Date registered valid:	1 October 2024
Proposal:	Creation of hardstanding in front garden and associated vehicular access
Address:	157 Smedley Road, Manchester, M8 0RU
Ward(s):	Crumpsall Ward
Applicant:	Mr Qamar Zaman
Agent (if any):	Mr R Anwar, RA Design & Project Management Ltd
Case officer:	Ian Jarvis Tel: 0161 234 4079 Email: ian.jarvis@manchester.gov.uk
Recommendation:	APPROVE
Date of recommendation:	25 November 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Standard consultations:
Printed: 11 November 2024 Expired: 2 December 2024

Neighbour notifications
Printed: 30 October 2024 Expired: 9 November 2024

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: Not applicable

Tree Preservation Order: Not applicable

This application relates to a semi-detached property in a mostly residential area. At the front of the property there is an existing low level brick boundary wall with a front garden area behind. It is proposed to demolish the majority of this wall (approximately two-thirds) and to create a new vehicular access point, with associated dropped kerb.

In addition, it is proposed to create a hardstanding that would cover approximately two-thirds of the front garden covering an area measuring approximately 5 metres x 5 metres (25 square metres) with the remaining third remaining as garden area, located behind the retained wall. There is a slight downward slope, from the front of the house to the back of pavement and along the front boundary of the property, following the part removal of the front boundary, it is proposed to install a drain along the remaining width of the frontage, to link in with the existing combined sewer.

It should be noted that Class F, of part 1, of Schedule2, of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, indicates that the following is classed as permitted development:
Development consisting of—
(a)he provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
(b)the replacement in whole or in part of such a surface.
Development is permitted by Class F subject to the condition that where—
(a)the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b)the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,
either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

In addition, Class B, of part 2, of Schedule 2 indicates that the following is classed as permitted development:

The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

Smedley Road is not a classified road.

Consultations & Notification Responses

Local residents - No comments received.

Highways Services - Makes the following comments:

The submitted Proposed Site Plan indicates that the driveway will be 7.46m x 5.0m which is acceptable from a Highways perspective.

In order to facilitate access into the site, a new vehicular crossover will be required to accommodate the 2no. car parking space. The new access will need to be built in accordance with MCC construction standards. It should be noted that a max. double-dropped kerb would be accepted by Highways at this location.

Flood Riak Management Unit - No comments received.

Issues

National Planning Policy Framework (December 2023) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:
a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 126).

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.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-
- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-
- 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 and 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.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated within the Manchester Unitary Development Plan.

Principle of works - The existing front boundary treatment is of fair quality, but its partial removal is not subject of this application. In addition, there are other properties, along this row, where the front boundary treatment has been removed completely. The proposed vehicular access and hardstanding are considered acceptable, in principle, subject to consideration of drainage from the hardstanding and regard has to be given to the fallback position in terms of works that can be carried out as permitted development.

Amount of hardstanding - The submitted plans show two-thirds of the front garden being converted to hardstanding, to accommodate 2 vehicles. This is a reduced area, from the original submission, which showed the whole of the front garden being converted to hardstanding which could have accommodated 3 vehicles. Whilst planning permission is not required, to create the access point, the creation of the associated dropped kerb is required to be carried out by the Local Highways Authority, who indicated that the maximum size allowed would be a double dropped kerb (i.e. to serve 2 vehicles). The applicant was therefore requested to consider reducing the width, of the proposed hardstanding, to reflect the width of the allowed dropped kerb, which has been done, allowing for the retention of some of the boundary treatment and garden area.

Visual/residential amenity - There are examples of open frontages and full width driveways elsewhere on this row of properties, and it is considered that the changes made have improved the visual impact, of the proposed works, and which is considered unlikely to have a detrimental impact upon local or residential amenity.

Surface water - The proposal includes the installation of a drain along the whole width of the frontage of the property, to link in with the existing combined sewer, along with the retention of some garden area, for surface water run-off. This arrangement is considered to be acceptable.

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 polices 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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in 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 drawing numbered RAD/3146/24/1/RevB, stamped as received by the City Council, as Local Planning Authority, on 22 November 2024.

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

3) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form and approved documents.

Reason - To ensure the appearance of the site to be developed is not adversely affected by the materials to be used in the construction of the development, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) The new access will need to be built in accordance with MCC construction standards under a Section 184 vehicle crossing licence/agreement which will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will be funded at the applicant's expense.

Appendix 1 – List of consultees & neighbours notified

Highway Services
MCC Flood Risk Management

155 Smedley Road, Manchester, M8 0RU
9 Smedley Avenue, Manchester, M8 0LN
3 Smedley Avenue, Manchester, M8 0LN
159 Smedley Road, Manchester, M8 0RU
7 Smedley Avenue, Manchester, M8 0LN
11 Smedley Avenue, Manchester, M8 0LN
5 Smedley Avenue, Manchester, M8 0LN
1 Smedley Avenue, Manchester, M8 0LN

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA