

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140673/FH/2024
Date registered valid: 1 August 2024
Proposal: Creation of access including dropped kerb
Address: 85 Albert Road, Manchester, M19 2FU
Ward(s): Burnage Ward

Applicant: Mr Abraham Hope
Agent (if any): Mr Brian Taylor, Manchester Equipment and Adaptations Partnership
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 25 September 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 28 August 2024

Standard consultations:

Printed: 13 August 2024 Expired: 4 September 2024

Neighbour notifications

Printed: 13 August 2024 Expired: 4 September 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: No

Tree Preservation Order: No

The application site relates to 85 Albert Road within the south Manchester ward of Burnage. The application site relates to a mid-terraced, two storey dwellinghouse painted cream. Amenity space to the front of the property relates to an off street parking space bounded by low metal railings, a step lift and steps leading up to the property (see planning history for further details). Amenity space to the rear of the property consists of a rear courtyard and the property benefits from an existing outrigger.

At the time of the site visit, a car was parked within the off street parking space, however the kerb had not been dropped.

Description of area

The surrounding area is residential in nature, with Levenshulme train station to the east of the applicant site.

Description of development

The application seeks planning consent for the creation of access including dropped kerb. Albert Road is a classified B road and so access is required to create a means of access to the highway. The submitted plan (as was shown on site) allows a car to be parked off street with a parking space with dimensions of Length: 6.3 x Width: 3.3 metres, with pedestrian and double

gates opening inwards. The gates shown on site have been achieved through the route of Permitted Development.

Negotiations during the Course of the Application

During the course of the application, the description of development was amended and changed on the system, given the description submitted by the applicant was unclear.

A duplicate application was also received for the same development and this was subsequently withdrawn (see planning history for further details).

Planning History

140806/VO/2024-Creation of access.
Withdrawn 18 September 2024.

139068/NMC/2024-Non Material Change to allow alteration to position of step lift and steps to planning permission 136451/FH/2023.
Approved 19 February 2024.

136451/FH/2023-Installation of a step lift to the front of the property and provision of driveway.
Approved 26 May 2023.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Highway Services

Highway Services were consulted on the application and provided the following response: In principle, the location of the dropped kerb is considered acceptable. Plans confirm that the opening to the driveway provides a minimum clearance of 3m to facilitate vehicle access which is acceptable.

Submitted information confirms that the length of the driveway is sufficient so that the vehicle does not overhang on the footway. Each driveway space should provide a minimum of 3.0m x 6.0m in line with MCCs standard minimum dimensions.

Should the planning application be approved, the applicant will be required to enter into a Section 184 vehicle crossing licence/agreement. This will require discussion and agreement with MCC Highways, this will be funded at the applicant's expense. A dropped crossing application can be processed via the following online link:
https://www.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerband_pavements

The applicant may wish to consider installing a H-Bar marking to protect the parking access. Similarly, this should be provided in agreement with MCC Highways. This can be processed via the following online link:

https://www.manchester.gov.uk/info/474/parking_at_your_home/8167/apply_for_a_disabled_parking_bay_or_h_bar

The applicant should be advised that all boundary treatments with frontage to the adopted highway should retain appropriate visibility from a height of 600mm upwards in order to protect sight lines. All gating which is accessed from the highway must be ensured to be inwardly opening, in order to prevent obstruction to passing footway users.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary pedestrian/traffic management arrangements, including Section 50, will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

Issues

POLICY

The National Planning Policy Framework (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 8. Promoting healthy and safe communities.
- ii. Chapter 12. Achieving well-designed and beautiful places.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

- Policy DM1 (Development Management),
- Policy SP1 (Spatial Principles),
- Policy EN1 (Design Principles and Strategic Character Areas).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.5 The Council will consider on their merits exemptions to the above policies in the case of applications from disabled people who may require particular adaptations to their homes.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:
JP- S1- Sustainable development

ISSUES

Principle of Development

The submitted application seeks planning consent for the creation of access including dropped kerb. This is considered acceptable to ensure the previous schemes for disabled access at the site can be implemented properly and the resident can park off street and drive safely on and off the created driveway onto the classified B road of Albert Road. During the site visit, the driveway had been constructed, however the dropping of the kerb had not. Consent is needed from a planning perspective for the access from the driveway onto a classified B road. This is considered acceptable in principle as many people prefer to alter homes rather than move, to meet the changing residential needs of families, including disabled access needs. However, consideration must be given to the proposal's appearance, impact on the visual amenity of the area, Highway Services considerations and impact on the neighbouring properties' residential amenity. As the property is to remain a single family dwellinghouse it is not considered that the proposed extension would give rise to any significant additional waste or car parking pressures.

Visual /Residential Amenity

The creation of the driveway has been approved through the previous application of 136451/FH/2023 (see planning history section for further details). The proposed access with dropped kerb would benefit the applicant at the site as the resident can park off street and drive safely on and off the created driveway onto the classified B road of Albert Road. This is considered to be a more appropriate option than the applicant egressing a car parked on the busy road. As such, the proposal is considered to improve the quality of life for the resident living at 85 Albert Road pursuant to Policy DC1 of the UDP.

Due to its nature, the proposal would not give rise to any adverse amenity implications in the form of overbearing, loss of light or privacy implications.

The main consideration in terms of amenity is to ensure the creation of the access does not give rise to any adverse implications from a public/ highway safety perspective. Highway Services were consulted on the application and raised no concerns. Highway Services were happy with the 3 metre minimum clearance to facilitate vehicle access and the size of the off street parking space. Highways suggested the developer should make contact with the relevant Teams in Highways and informatives with such information and contacts would be placed within any approval granted.

Overall, it is not considered that the proposal would have an adverse impact upon residential or visual amenity, pursuant to Policy DC1 of the UDP, Core Strategy policies SP1 and DM1 and Places for Everyone policy JP-S1.

Design and Appearance

Creation of access for residential properties is possible through the route of Permitted Development for unclassified roads. However, in this instance, consent is required given Albert Road is a classified B road. As such, it is imperative consent is sought and Highway Services engaged. Given Highways would undertake the development, it is not considered to give rise to any concern in relation to design and appearance. Highway Services are happy with the proposed dimensions of the 3 metre width clearance plus parking space dimensions.

In short, the proposal is considered acceptable in terms of design and appearance and ensures compliance with The National Planning Policy Framework; Core Strategy policies SP1, DM1, EN1, Saved Policy DC1 of the Unitary Development Plan and JP-S1 within Places for Everyone.

Bin Storage

Bin storage would be unaffected by the proposal.

Car Parking

Off street parking has been created at the property and so the level of provision increases at the site. This is considered acceptable.

Conclusion

Overall, the proposed development does not create any significant impact in terms of visual or residential amenity. The design and appearance is considered acceptable to the character of the property and local area. Highway Services are happy with the proposal and appropriate informatives would be attached to any approval granted.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner and appropriate conditions would be attached to any approval 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:

-Application Form, stamped as received by the City Council as Local Planning Authority on 1 August 2024.

-Drawing- Proposed- Ground Floor Layout, stamped as received by the City Council as Local Planning Authority on 1 August 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.

Informatives

1) Should the planning application be approved, the applicant will be required to enter into a Section 184 vehicle crossing licence/agreement. This will require discussion and agreement with MCC Highways, this will be funded at the applicant's expense. A dropped crossing application can be processed via the following online link:

https://www.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerb_and_pavements

2) The applicant may wish to consider installing a H-Bar marking to protect the parking access. Similarly, this should be provided in agreement with MCC Highways. This can be processed via the following online link:

https://www.manchester.gov.uk/info/474/parking_at_your_home/8167/apply_for_a_disabled_parking_bay_or_h_bar

3) The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary pedestrian/traffic management arrangements, including Section 50, will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services

Flat 6, 72 Albert Road, Manchester, M19 2AD
Flat 3, 72 Albert Road, Manchester, M19 2AD
87 Albert Road, Manchester, M19 2FU
81 Albert Road, Manchester, M19 2FU
83 Albert Road, Manchester, M19 2FU
Flat 1, 72 Albert Road, Manchester, M19 2AD
Ground Floor Flat, 74 Albert Road, Manchester, M19 2AD
Flat 7, 72 Albert Road, Manchester, M19 2AD
Flat 5, 72 Albert Road, Manchester, M19 2AD
Flat 4, 72 Albert Road, Manchester, M19 2AD
Flat 2, 72 Albert Road, Manchester, M19 2AD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA